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The Environmental Assessment and Management (TEAM) Guide: New Mexico Supplement

Carolyn O'Rourke and Patricia A. Kemme

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Carolyn O'Rourke and Patricia A. Kemme

*Construction Engineering Research Laboratory
U.S. Army Engineer Research and Development Center
PO Box 9005
Champaign, IL 61826-9005*

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Abstract: Environmental assessments help determine compliance with current environmental regulations. The U.S. Air Force, U.S. Army, Defense Logistics Agency (DLA), and Corps of Engineers (Civil Works) have adopted environmental compliance programs that identify compliance problems before they are cited as violations by the U.S. Environmental Protection Agency.

Since 1984, the U.S. Army Construction Engineering Research Laboratory, in cooperation with numerous Department of Defense (DOD) components, has developed environmental compliance assessment checklist manuals. The Environmental Assessment and Management (TEAM) Guide was developed for use by all DOD components. Currently there are five participating DOD components: the Air Force, Air National Guard, Army, Civil Works, and DLA. These agencies have agreed to share the development and maintenance of this Guide.

The Guide combines Code of Federal Regulations and management practices into a series of checklists that show legal requirements and the specific operations or items to review. TEAM Guide is supplemented by DOD component-specific manuals detailing DOD component regulations and policies. The New Mexico Supplement was developed to be used in conjunction with the TEAM Guide, using existing New Mexico state environmental legislation and regulations as well as suggested management practices.

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FOREWORD

This is ERDC/CERL SR-06-6. The report is based on the information available on Enflex Federal and State Regulations of 1 March 2010.

The research was performed for AEC MIPR 0010005589, technical monitor Mark DItmore; ANG MIPR F9WFEV0028G001, technical monitor is Chuck Smith; AGB W45XMA00130245, technical monitor is Phil Dao; Army Reserve MIPR10CODCD201, technical monitor is Roc Tschirhart; Commerce MIPR 1301-09-SA00110, technical monitor is Greg Falzetta; USACE Fund account 96x3123, technical monitor is John Coho; DHS IAG HSHQDC-08-X-00456, technical monitor is Peter Wixted; DLA MIPR SP1001090, technical monitor is Pam Hillis; USPS MOA-05-CERL-01, technical monitor is Sharon Marsh; and, State Department IAG F3NF369350G002, technical monitor is Janice Smith.

The research was performed by the Business Processes Branch (CN-B), Installations Division (CN), of the U.S. Army Construction Engineering Research Laboratory (CERL). The CERL Principal Investigator is Carolyn O'Rourke. The CERL Researcher is Patricia Kemme. Ms. Michelle Hanson is Branch Chief, CN-B, and Mr. John Bandy is Division Chief, CN. Dr. Ilker Adiguzel is Director of CERL.

CERL is an element of the U.S. Army Engineer Research and Development Center (ERDC), U.S. Army Corps of Engineers. The Director of ERDC is Dr. James R. Houston, and the Commander is COL Gary Johnson.

NOTICE

This manual is intended as general guidance for personnel at Department of Defense (DOD) installations/CW facilities. It is not, nor is it intended to be, a complete treatise on environmental laws and regulations. Neither the U.S. Government nor any agency thereof, nor any of their employees, makes any warranty, expressed or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information contained herein. For any specific questions about, or interpretations of, the legal references herein, consult appropriate legal counsel.

Comment Form

Comments and questions regarding the New Mexico Supplement can be addressed to:

Carolyn O'Rourke
e-mail carolyn.y.orourke@usace.army.mil
phone 217-398-5553 or 1-800-USACERL
fax 217-373-3430

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SECTION 1

AIR EMISSIONS MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for Air Emissions Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

(NOTE: The Albuquerque/Bernalillo County Air Quality Control Board has a complete set of air emission regulations that are not included in this chapter. If your Federal facility is in the City of Albuquerque or Bernalillo County, and you would like to see these regulations included in this State Supplement, please notify USACERL using the comment form that is included in the main introduction.)

Federal Regulations Incorporated by Reference

- Title 40 of the Code of Federal Regulations (CFR), Part 60, New Source Performance Standards, as amended in the Federal Register through January 31, 2009 (20.2.77.9 NMAC) [Revised March 2009; Revised March 2010].
- 40 CFR 61, National Emission Standards for Hazardous Air Pollutants, as amended through January 31, 2009 (20.2.78.9 NMAC) [Revised March 2009; Revised March 2010].
- 40 CFR Part 63, as amended in the Federal Register through January 31, 2009 are hereby incorporated into this part (In 20.2.82.8 NMAC) [Revised March 2009; Revised March 2010].
- Portions of the Federal acid rain program promulgated under 40 CFR 72 (including all portions of Parts 73, 74, 75, 77 and 78 referenced therein) and 76, as amended in the Federal register through May 18, 2005, to implement Sections 407 (nitrogen oxides emission reduction program), 408 (permits and compliance plans), and 412 (monitoring, reporting and record keeping requirements) (20.2.84.8 NMAC) [Revised March 2009; Revised March 2010].

Definitions

- *Acid Mist* - sulfuric acid mist as measured by the method referenced in Section 100 of 20.2.40.109 NMAC and includes liquid mist as well as sulfur trioxide and sulfuric acid vapor (20.2.40.7 NMAC).
- *Act* - the Federal Clean Air Act, 42 U.S.C. Sections 7401 et. seq. (20.2.74.7 NMAC).
- *Actual Emissions* - includes:
 1. the actual rate of emissions of a regulated new source review pollutant from an emissions unit, as determined in accord with the criteria as follows (20.2.74.7 NMAC) [Revised March 2007]:
 - a. in general, actual emissions as of a particular date must equal to the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month which proceeds the particular date and which is representative of normal service operation. The department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period
 - b. the department may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit

- c. for any emissions unit which has not been in normal operations on that particular date, actual emissions must equal the potential to emit of the unit on that date
- 2. the actual rate of emissions of a pollutant from an emission unit, as determined in accord with the criteria as follows (20.2.79.7 NMAC):
 - a. in general, actual emissions as of a particular date must equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which proceeds the particular date and which is representative of normal service operation. A different time period must be allowed upon a determination by the Department that it is more representative of normal source operation. Actual emissions must be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period
 - b. the Department may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit
 - c. for any emissions unit which has not been in normal operations on that particular date, actual emissions must equal the potential to emit of the unit on that date.
- *Administrator* - the Administrator of the USEPA or an authorized representative (20.2.2.7 NMAC).
- *Air Contaminant* - any substance, including but not limited to any particulate matter, fly ash, dust, fumes, gas, mist, smoke, vapor, micro-organisms, radioactive material, any combination thereof or any decay or reaction product thereof (20.2.2.7 NMAC).
- *Air Contaminant Emission Control System* - the equipment designed for installation on a motor vehicle or motor vehicle engine for the purpose of reducing the air contaminants emitted from the motor vehicle or motor vehicle engine or a system or engine modification on a motor vehicle which causes a reduction of air contaminants emitted from the motor vehicle engine, including but not limited to exhaust control systems, fuel evaporative control systems and crankcase ventilating systems (20.2.88.7 NMAC) [Added March 2008].
- *Air Curtain Destructor* - a combustion device or system designed to achieve controlled combustion of woodwaste and slash materials in a near-then trench or refractory-lined pit or bin through means of a fan-generated air curtain (20.2.61.7 NMAC).
- *Air Pollution* - the emission, except as such emission occurs in nature, into the outdoor atmosphere of one or more air contaminants in such quantities and duration as may with reasonable probability injure human health, animal or plant life, or as may unreasonably interfere with the public welfare, visibility or the reasonable use of property (20.2.2.7 NMAC).
- *Air Pollution Control Equipment* - includes:
 - 1. any device, equipment, process or combination thereof the operation of which would limit, capture, reduce, confine, or otherwise control air contaminants or convert for the purposes of control any air contaminant to another form, another chemical or another physical state (20.2.72.7 NMAC)
 - 2. any apparatus, including acid plants, afterburners, baghouses, cyclones, electrostatic precipitators, flares, incinerators, and particulate or gaseous scrubbers, utilized to control the emission of a regulated air contaminant, including a fugitive emission (20.2.7.7 NMAC) [Revised March 2009].
- *Air Quality Control Regulation* or Permit Condition - any regulation adopted by the board, including a federal new source performance standard adopted by reference, or any condition of an air quality permit issued by the department. National emissions standards for hazardous air pollutants and maximum achievable control technology standards are not included in this definition (20.2.7.7 NMAC) [Revised March 2009].
- *Allowable Emissions* - the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:
 - 1. the applicable standards as set forth in 40 CFR 60 and 61;
 - 2. the applicable State Implementation Plan emissions limitation, including those with a future compliance date; or

3. the emissions rate specified as a federally enforceable permit condition, including those with a future compliance date (20.2.74.7 NMAC).
- *Alternatives To Burning* - treatments employing manual, mechanical, chemical, or biological methods to manage vegetation or fuel loads or land management practices that treat vegetation (fuel) without using fire; a treatment or practice may only be considered an alternative if it has successfully been used to take the place of fire for at least three years (20.2.65.7 NMAC) [Added August 2004].
 - *Ambient Air* - the outdoor atmosphere, but does not include the area entirely within the boundaries of the industrial or manufacturing property within which the air contaminants are or may be emitted and public access is restricted within such boundaries (20.2.72.7 NMAC).
 - *Anatomical/Pathological Waste* - human or animal remains consisting of carcasses, tissues, organs or body parts that may or may not be infectious (20.2.63.7 NMAC) [Added September 2003].
 - *Asbestos* - includes chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite (20.2.2.7 NMAC).
 - *Attainment Area* - for any air pollutant an area which is shown by monitored data or which is calculated by air quality modeling not to exceed any national ambient air quality standard for such pollutant, and is so designated under section 107(d)(1)(D) or (E) of the Act (20.2.74.7 NMAC).
 - *Baseline Area* - all lands designated as attainment or unclassifiable under Section 107(d)(1)(D) or (E) of the Act within each federal air quality control region in the State of New Mexico in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than 1 microgram/m³ (annual average) of the pollutant for which the minor source baseline date is established. Any baseline area established originally for TSP (total suspended particulate) increments must remain in effect and must not apply for purposes of determining the amount of available PM₁₀ increments. A TSP baseline area must not remain in effect if the Department rescinds the corresponding minor source baseline date (20.2.74.7 NMAC).
 - *Baseline Concentration* - that ambient concentration level which exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and must include (20.2.74.7 NMAC):
 1. the actual emissions representative of sources in existence on the applicable minor source baseline date except as provided in 8(c) of 20.2.74 NMAC
 2. the allowable emissions of major stationary sources which commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date
 3. the following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):
 - a. actual emissions from any major stationary source on which construction commenced after the major source baseline date
 - b. actual emission increases and decreases at any stationary source occurring after the minor source baseline date.
 - *Best Available Control Technology (BACT)* - includes:
 1. an emission limitation based on the maximum degree of reduction in emissions of each contaminant subject to this regulation which the Secretary (or Board), on a case-by-case basis, taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impacts resulting from the use of such technology, determines is achievable for the source, through application of measures, processes, methods, systems, or techniques including, but not limited to, measures which (20.2.72.401 NMAC):
 - a. reduce the volume of such pollutants through process changes, substitutions of materials, or other modifications
 - b. enclose systems or processes to eliminate emissions

- c. collect, capture, or treat such pollutants when released from a process, stack, storage, or fugitive emission point
 2. an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated pollutant which would be emitted from any proposed major stationary source or major modification, which the secretary determines is achievable on a case-by-case basis. This determination will take into account energy, environmental, and economic impacts and other costs. The determination must be achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of such pollutants. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60 and 61. If the secretary determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation, and shall provide for compliance by means which achieve equivalent results (20.2.74.7 NMAC) [Revised March 2007].
- *Best Available Control Technology (BACT)* - an emissions limitation as defined in 20.2.74 NMAC (Permits - Prevention of Significant Deterioration (PSD)) (20.2.86.7 NMAC) [Added March 2008].
 - *Biomedical Waste* - anatomical/pathological wastes, infectious wastes, and chemotherapy wastes. Incorporated in this definition are wastes generated in health care facilities, medical laboratories, and veterinary clinics that require special handling (20.2.63.7 NMAC) [Added September 2003].
 - *Board* - the New Mexico Environmental Improvement Board or its successor agency or authority (20.2.2.7 NMAC).
 - *Building, Structure, Facility, or Installation* - all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons coming under common control). Pollutant-emitting activities must be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4 101-0066 and 003-005-00176-0, respectively) (20.2.74.7 NMAC).
 - *Burn Project* - in prescribed burning or in wildland fire use, a burn on an area that is contiguous and is being treated or managed for the same land management objectives (20.2.65.7 NMAC) [Added August 2004].
 - *Burner* - a person who is responsible for a prescribed fire project that is regulated (20.2.65.7 NMAC) [Added August 2004].
 - *Business* - an occupation, profession or trade; a person or partnership or corporation engaged in commerce, manufacturing, or a service; or a profit-seeking enterprise or concern (20.2.88.7 NMAC) [Added March 2008].
 - *CARB* - California air resources board (20.2.88.7 NMAC) [Added March 2008].
 - *CCR* - California code of regulations, Title 13 (20.2.88.7 NMAC) [Added March 2008].
 - *California-Certified* - a vehicle having a valid executive order stating that the vehicle meets all applicable requirements under the applicable sections of CCR and approved for sale in California by CARB (20.2.88.7 NMAC) [Added March 2008].

- *California Climate Action Registry* - the voluntary registry for greenhouse gas emissions established pursuant to California Health & Safety Code D. 26, Pt. 4, Ch. 6 (West 2007) (20.2.87.7 NMAC) [Added March 2008].
- *California Standards* - those emission standards for motor vehicles and new motor vehicle engines that the state of California has adopted and for which it has received a waiver from the United States environmental protection agency pursuant to the authority of 42 U.S.C. Section 7543 and which other states are permitted to adopt pursuant to 42 U.S.C. Section 7507 (20.2.88.7 NMAC) [Added March 2008].
- *Carbon Dioxide Equivalent* - quantity of a given greenhouse gas multiplied by a conversion factor provided in the emissions reporting tool and procedures under Subsection B of 20.2.87.202 NMAC (20.2.87.7 NMAC) [Added March 2008].
- *Carbon Monoxide* - the chemical compound containing one atom of carbon and one of oxygen (20.2.2.7 NMAC).
- *Certification* - a finding by CARB that a motor vehicle, motor vehicle engine, or air contaminant emission control system satisfies the criteria adopted by CARB for the control of specified air contaminants from motor vehicles (20.2.88.7 NMAC) [Added March 2008].
- *Chemotherapeutic Waste* - all wastes resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. Chemotherapeutic wastes do not include any waste containing antineoplastic agents that are listed as hazardous waste (20.2.63.7 NMAC) [Added September 2003].
- *Coal* - any solid fuel classified as anthracite, bituminous, subbituminous, or lignite by the American society of testing and materials (ASTM) standard specification for classification of coals by rank D388-77, 90, 91, 95, 98a or 99 (Reapproved 2004) (20.2.86.7 NMAC) [Added march 2008].
- *Coal-Fired* - combusting any of coal or coal-derived fuel, alone or in combination with any amount of any other fuel (20.2.86.7 NMAC) [Added March 2008].
- *Commence* - as applied to construction of a major stationary source or major modification, that an owner or operator has all necessary preconstruction approvals or permits and has:
 1. begun, or caused to be begun, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
 2. entered into a binding contractual obligation, which cannot be canceled or changed without substantial loss to the owner or operator, to undertake and complete, within a reasonable time, a continuous program of actual construction (20.2.74.7 NMAC).
- *Commercial Operation* - operation within 60 days after achieving the maximum production rate at which the equipment will be operated, but not later than 180 days after initial startup (20.2.31.7 NMAC).
- *Compressor Station* - a facility whose primary function is the extraction of crude oil, natural gas, or water from the earth with compressors, or movement of any fluid, including crude oil or natural gas, or products refined from these substances through pipelines or the injection of natural gas or CO₂ back into the earth using compressors. A compressor station may include engines to generate power in conjunction with the other functions of extraction, injection or transmission and may contain emergency flares. A compressor station may have auxiliary equipment which emits small quantities of regulated air contaminants, including but not limited to, separators, dehydration units, heaters, treaters, and storage tanks, provided the equipment is located within the same property boundaries as the compressor engine (20.2.72.300 NMAC).
- *Construction* - includes:
 - 1 fabrication, erection, or installation of an affected facility (20.2.14.7 NMAC)

2. fabrication, erection, installation or relocation of a stationary source, including but not limited to temporary installations and portable stationary sources (20.2.75.7 NMAC)
 3. any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions (20.2.74.7 NMAC).
- *Control Strategy* - equipment, processes or actions used to reduce air pollution (20.2.86.7 NMAC) [Added March 2008].
 - *Control Strategy Selection Report* - a report completed as a component of a 20.2.72 NMAC, 20.2.74 NMAC or 20.2.79 NMAC permit application that shall be submitted by the applicant to the department pursuant to 20.2.86.104 NMAC (20.2.86.7 NMAC) [Added March 2008].
 - *Daily Average* - the arithmetic average of the hourly values measured in a 24-hour period from midnight to midnight (20.2.32.7 NMAC).
 - *Dealer* - any person actively engaged in the business of offering to sell, solicit or advertise the sale, purchase, transfer, lease, sale or exchange of a new motor vehicle and who has an established place of business (20.2.88.7 NMAC) [Added March 2008].
 - *Department* - the New Mexico Environmental Department (20.2.2.7 NMAC).
 - *Direct Emissions* - emissions from sources at the facility (20.2.87.7 NMAC) [Added March 2008].
 - *Emergency* - unforeseen circumstances resulting in an imminent and substantial endangerment to health, safety, or welfare which requires immediate action (20.2.72.7 NMAC).
 - *Emergency Vehicle* - any publicly owned vehicle operated by a peace officer in the performance of his duties, any authorized emergency vehicle used for fighting fires or responding to emergency fire calls, any publicly owned authorized emergency vehicle used by an emergency medical technician or paramedic, or any ambulance used by a private entity under contract with a public agency (20.2.88.7 NMAC) [Added March 2008].
 - *Emission Report Or Inventory* - a listing, by source, of the amount of air pollutants discharged into the atmosphere (20.2.87.7 NMAC) [Added March 2008].
 - *Emission Standards* - specified limitations on the discharge of air contaminants into the atmosphere (20.2.88.7 NMAC) [Added March 2008].
 - *Emissions Unit* - any part of a stationary source that emits or would have the potential to emit any regulated new source review pollutant and includes an electric utility steam generating unit as defined in this section. For purposes of this section, there are two types of emissions units as described in the following (20.2.74.7 NMAC) [Revised March 2007]:
 1. A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.
 2. An existing emissions unit is any emissions unit that does not meet the requirements in Paragraph (1) of this subsection. A replacement unit is an existing unit.
 - *Equity Share* - the extent of economic interest held in a facility, which is typically the same as ownership percentage (20.2.87.7 NMAC) [Added March 2008].
 - *Executive Order* - a document issued by CARB certifying that a specified test group or model year vehicle has met all applicable requirements adopted by CARB pursuant to the applicable sections of CCR for the control of specified air contaminants from motor vehicles (20.2.88.7 NMAC) [Added March 2008].

- *Excess Emissions* - includes (20.2.7.7 NMAC) [Revised March 2009]:
 1. the emission of sulfur dioxide in excess of any applicable emission limitation of this regulation (20.2.31.7 NMAC)
 2. the emission of an air contaminant, including a fugitive emission, in excess of the quantity, rate, opacity or concentration specified by an air quality regulation or permit condition.
- *Existing Coal-Burning Equipment* - includes:
 1. coal burning equipment that was fully constructed and operational or under construction prior to 1 September 1971 (20.2.14.7 NMAC)
 2. coal burning equipment that was fully constructed and operational or under construction prior to 17 August 1971 (20.2.32.7 NMAC).
- *Existing Coal-Burning Station* - one or the combination of two or more units of existing coal burning equipment at one location (20.2.31.7 NMAC).
- *Existing Gas-Burning Equipment* - gas burning equipment, the construction or modification of which is commenced prior to 17 February 1972 (20.2.33.7 NMAC).
- *Existing Oil-Burning Equipment* - oil burning equipment that was fully constructed and operational or under construction prior to 17 August 1971. Existing oil burning equipment also includes any gas burning equipment that is converted to burn oil for energy considerations if the gas burning equipment was fully constructed and operational on 21 January 1979 (20.2.18.7 NMAC).
- *Existing Source* - any source, the construction or modification of which was commenced on or before 31 December 1988 (20.2.72.401 NMAC).
- *Existing Sulfuric Acid Production Unit* - a sulfuric acid production unit the construction or modification of which was commenced on or before 17 August 1971 (20.2.40.7 NMAC).
- *Facility* - any building, structure, facility, or installation that emits or may emit any greenhouse gas (20.2.87.7 NMAC) [Added March 2008].
- *Federal Act* - the Federal Clean Air Act, as amended, at 42 U.S.C. 7401, et seq. (20.2.2.7 NMAC).
- *Federally Enforceable* - all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 C.F.R. 60 and 61, requirements within any applicable State Implementation Plan, any permit requirements established pursuant to 40 C.F.R. 52.21 or under regulations approved pursuant to 40 CFR 51, Subpart I including 40 CFR 51.165 and 40 CFR 51.166 (20.2.74.7 NMAC).
- *Flue* - any duct for air, gases, or the like, such as a stack or chimney (20.2.2.7 NMAC).
- *Fugitive Dust or Fugitive Particulate Matter* - particulate matter emissions which escape to the atmosphere due to leakage, materials handling, transfer or storage, travel over unpaved roads or parking areas, or other industrial activities that are not ducted through exhaust systems (20.2.2.7 NMAC).
- *Fugitive Emissions* - those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening (20.2.74.7 NMAC).
- *Good Engineering Practice* -
 1. with respect to stack heights less than 65 m, the height necessary to ensure that emissions from the stack do not result in excessive concentrations of any pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles. Such height must not exceed:
 - a. thirty meters for stacks not influenced by the source itself, nearby structures or terrain; or

- b. the height determined by use of the equation $H_g = H + 1.5 L$ where
 - H_g = good engineering practice stack heights
 - H = the height of the source or nearby structure
 - L = the lesser dimension (height or width) of the source or nearby structure for stacks that are influenced by nearby structures or terrain
 2. with respect to stack heights equal to or greater than 65 m, the owner or operator must satisfy all provisions and obtain all applicable approvals required under Air Quality Control Regulation 710, Stack Height Requirements (20.2.40.7 NMAC).
- *Good Engineering Practice Stack Height* - $H(GEP) = H + 1.5 L$, where H equals the height of any building or obstruction within 5 L of the stack, and L equals the lesser of the height or maximum projected width of the building or obstruction (20.2.72.300 NMAC).
- *Gross Vehicle Weight Rating* - the value specified by the manufacturer as the maximum loaded weight of a single vehicle (20.2.88.7 NMAC) [Added March 2008].
- *Hazardous Air Pollutant* - air contaminant which has been classified as a "hazardous air pollutant" by the administrator of the USEPA and is subject to a NESHAP (20.2.72.7 NMAC).
- *Heat Input* - heat derived from combustion of fuel in a steam generating unit and does not include the heat input from preheated combustion air, recirculated flue gases, or exhaust gases from other sources, such as gas turbines, internal combustion engines, kilns, etc. (20.2.32.7 NMAC).
- *Hydrogen Sulfide* - the chemical compound containing two atoms of hydrogen and one of sulfur (20.2.2.7 NMAC).
- *Impact Area* - the circular area with a radius extending from the source to the most distant point where the total potential emissions from the facility will cause a significant ambient impact (i.e., equal or exceed the applicable significant ambient impact level in NMAC 2.32, Section 500, Table 1 (see Appendix 1-1)) (20.2.72.300 NMAC).
- *Infectious Waste* - a limited class of substances that carry a significant risk of transmitting disease, including but not limited to (20.2.63.7 NMAC) [Added September 2003]:
 1. microbiology laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures
 2. pathological wastes, including human or animal tissues, organs and body parts, removed during surgery, autopsy or biopsy
 3. disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases
 4. blood and blood products, including waste blood, blood serum, plasma and blood products
 5. contaminated sharps, including contaminated hypodermic needles, syringes, scalp blades, Pasteur pipettes, and broken glass
 6. contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals.
- *Indirect Emissions* - emissions that are a consequence of the operation under the control of the person filing a report, but which occur at a source owned or controlled by another entity (20.2.87.7 NMAC) [Added March 2008].
- *Input Fuel* - fuel used in a stationary coal-fired boiler or stationary coal-fired combustion turbine to generate electricity (20.2.86.7 NMAC) [Added March 2008].

- *Insignificant Activities* - those activities which have been listed by the Department and approved by the Administrator as insignificant on the basis of size, emissions or production rate (20.2.70.7 NMAC).ok
- *Lead* - elemental lead, alloys in which one of the compounds is lead, or compounds containing lead, which are measured as elemental lead (20.2.2.7 NMAC).
- *Light-Duty Truck* - any model year 2000 and subsequent motor vehicle certified to the standards in CCR, section 1961(a)(1) rated at 8,500 pounds gross vehicle weight or less, and any other motor vehicle rated at 6,000 pounds or less, which is designed primarily for the purposes of transportation of property, is a derivative of such vehicles, or is available with special features enabling off-street or off-highway operation and use (20.2.88.7 NMAC) [Added March 2008].
- *Low-Emission Vehicle or LEV* - a motor vehicle which has been certified by CARB (20.2.88.7 NMAC) [Added March 2008].
- *Major Modification* - any physical change in or change in the method of operation of a major stationary source that would result in a significant emissions increase of a regulated new source review pollutant (as defined in this section); and a significant net emissions increase of that pollutant from the major stationary source. Any significant emissions increase (as defined in this section) from any emissions units or net emissions increase (as defined in this section) at a major stationary source that is significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone (20.2.79.7 NMAC) [Revised March 2007; Revised March 2010].
 1. A physical change or change in the method of operation shall not include:
 - a. routine maintenance, repair, and replacement;
 - b. use of an alternative fuel or raw material by reason of an order under Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the federal Power Act;
 - c. use of an alternative fuel by reason of an order or rule under Section 125 of the federal Clean Air Act;
 - d. use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - e. use of an alternative fuel or raw material by a stationary source which:
 - i. the source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.165 or 40 CFR 51.166; or
 - ii. the source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166;
 - f. an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit which was established after December 21, 1976, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.165 or 40 CFR 51.166;
 - g. any change in ownership at a stationary source; or
 - h. the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the state implementation plan for the state in which the project is located, and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
 2. This definition shall not apply with respect to a particular regulated new source review pollutant when the major stationary source is complying with the requirements under 20.2.79.120 NMAC for a plantwide applicability limit for that pollutant. Instead, the definition at Paragraph (8) of Subsection B of 20.2.79.120 NMAC shall apply.
 3. For the purpose of applying the requirements of Subsection H of 20.2.79.109 NMAC to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to subpart 2, part D, title I of the federal Clean Air Act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.

4. Any physical change in, or change in the method of operation of a major stationary source of volatile organic compounds that results in any increase in the emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the federal Clean Air Act.
- *Major Source Baseline Date* - in the case of particulate matter and sulfur dioxide, 6 January 1975, and in the case of nitrogen dioxide, 8 February 1988 (20.2.74.7 NMAC).
 - *Major Stationary Source* - includes:
 1. the following (20.2.74.7 NMAC):
 - a. any stationary source listed in Table 1 (see Appendix 1-3) which emits or has the potential to emit emissions equal to or greater than 100 tons per year of any regulated pollutant
 - b. any stationary source not listed in Table 1 (see Appendix 1-3) and which emits or has the potential to emit 250 tons per year or more of any regulated pollutant, or
 - c. any physical change that would occur at a stationary source not otherwise qualifying under 26(a) or (b) of 20.2.74.7 NMAC, if the change would constitute a major stationary source by itself
 - d. any major stationary source or modification to an existing stationary source that is major for volatile organic compounds must be considered major for ozone
 - e. the fugitive emissions of a stationary source may not be included in determining for any of the purposes of 20.2.74.7 NMAC, whether it is a major stationary source, unless the source belongs to one of the categories of stationary sources found in Table 1 (see Appendix 1-3)
 2. the following (for areas of non-attainment) (20.2.79.7 NMAC) [Revised March 2007; Revised March 2010]:
 1. Any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any regulated new source review pollutant, except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title I of the federal Clean Air Act, according to Subparagraphs (a) through (f) of Paragraph (1) of Subsection V of 20.2.79.7 NMAC.
 - a. 50 tons per year of volatile organic compounds in any serious ozone nonattainment area.
 - b. 50 tons per year of volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area.
 - c. 25 tons per year of volatile organic compounds in any severe ozone nonattainment area.
 - d. 10 tons per year of volatile organic compounds in any extreme ozone nonattainment area.
 - e. 50 tons per year of carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to carbon monoxide levels in the area (as determined under rules issued by the United States environmental protection agency administrator).
 - f. 70 tons per year of PM10 in any serious nonattainment area for PM10.
 2. For the purposes of applying the requirements of Subsection H of 20.2.79.109 NMAC to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxides emissions, except that the emission thresholds in Subparagraphs (a) through (f) of Paragraph (1) of Subsection V of 20.2.79.7 NMAC shall apply in areas subject to subpart 2 of part D, title I of the federal Clean Air Act.
 - a. 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.
 - b. 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.
 - c. 100 tons per year or more of nitrogen oxides in any area designated under section 107(D) if the federal Clean Air Act as attainment or unclassifiable for ozone that is located in an ozone transport region.
 - d. 50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.

- e. 25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.
 - f. 10 tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone; or
 - 3. Any physical change that would occur at a stationary source not qualifying under Paragraph (1) or (2) of this definition as a major stationary source, if the change would constitute a major stationary source by itself.
 - 4. A major stationary source that is major for volatile organic compounds or oxides of nitrogen shall be considered major for ozone.
 - 5. A stationary source shall not be a major stationary source due to fugitive emissions, to the extent they are quantifiable, unless the source belongs to:
 - (a) any category in Subsection B of 20.2.79.119 NMAC; or
 - (b) any other stationary source category which as of August 7, 1980 is being regulated under Section 111 or 112 of the federal Clean Air Act.
 - 6. A stationary source shall not be a major stationary source due to secondary emissions.
- *Malfunction* - any sudden and unavoidable failure of air pollution control equipment or process equipment beyond the control of the owner or operator, including malfunction during startup or shutdown. A failure that is caused entirely or in part by poor maintenance, careless operation, or any other preventable equipment breakdown shall not be considered a malfunction (20.2.7.7 NMAC) [Revised March 2009].
 - *Medium Duty Passenger Vehicle or MDPV* - any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The medium-duty passenger vehicle definition does not include any vehicle which: (20.2.88.7 NMAC) [Added March 2008]
 - 1. is an "incomplete truck"; i.e., is a truck that does not have primary load carrying device or container attached; or
 - 2. has a seating capacity of more than 12 persons; or
 - 3. is designed for more than 9 persons in seating rearward of the drivers seat; or
 - 4. is equipped with an open cargo area of 72.0 inches in interior length or more; a covered box not readily accessible from the passenger compartment shall be considered an open cargo area for the purpose of this definition.
 - *Medium-Duty Vehicle* - any pre-1995 model year heavy-duty vehicle having a manufacturer's gross vehicle weight rating of 8,500 pounds or less, any 1992 through 2006 model year heavy-duty low-emission, ultra-low emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in CCR, section 1960.1(h)(2) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in CCR, Sections 1961(a)(1) or 1962 having a manufacturer's gross weight rating between 8,501 and 14,000 pounds (20.2.88.7 NMAC) [Added March 2008].
 - *Metric Ton* - 2204.62 pounds (20.2.87.7 NMAC) [Added March 2008].
 - *Minor Source Baseline Date* - the earliest date after the trigger date on which a major stationary source or major modification subject to 40 CFR 52.21 or to this regulation submits a complete application under the relevant regulations. The trigger date, in the case of particulate matter and sulfur dioxide, is 7 August 1977, in the case of nitrogen dioxide, 8 February 1988. Any minor source baseline date established originally for the TSP (total suspended particulates) increments must remain in effect and must apply for purposes of determining the amount of available PM₁₀ increments. The Department may rescind any TSP minor source baseline date where it can be shown to the Department's satisfaction that the emissions increased from the major stationary source, or result in a significant amount of PM₁₀ emissions (20.2.74.7 NMAC).
 - *Model Year* - the manufacturer's annual production period which includes January 1, or if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis (20.2.88.7 NMAC) [Added March 2008].
 - *Modification* - includes:

1. a physical change or change in the manner of operation which increases the amount of any air contaminant emitted by the sulfuric acid production unit or which results in the emission of any air contaminant not previously emitted (20.2.40.7 NMAC)
 2. any physical change in, or change in the method of operation of, a stationary source which results in an increase in the potential emission rate of any regulated air contaminant emitted by the source or which results in the emission of any regulated air contaminant not previously emitted, but does not include:
 - a. a change in ownership of the source
 - b. routine maintenance, repair, or replacement
 - c. installation of air pollution control equipment, and all related process equipment and materials necessary for its operation, undertaken for the purpose of complying with the regulations adopted by the board pursuant to the Federal Clean Air Act
 - d. unless previously limited by enforceable permit conditions:
 - i. an increase in the production rate, if such increase does not exceed the operating design capacity of the source
 - ii. an increase in the hours of operation
 - iii. use of an alternative fuel or raw material if, prior to 6 January 1975, the source was capable of accommodating such fuel or raw material, or if use of an alternate fuel or raw material is caused by any natural gas curtailment or emergency allocation or any other lack of supply of natural gas (20.2.72.7 NMAC).
- *Motor Vehicle or Vehicle* - every device in, upon, or by which a person or property is or may be transported otherwise than by muscular power, except motorized bicycles and devices that run only on rails or tracks (20.2.88.7 NMAC) [Added March 2008].
 - *National Ambient Air Quality Standard* - unless otherwise modified, the primary (health-related) and secondary (welfare-based) Federal ambient air quality standards promulgated by the USEPA pursuant to Section 109 of the Federal Clean Air Act (20.2.72.7 NMAC).
 - *National Emission Standards for Hazardous Air Pollutants (NESHAP)* - the regulatory requirements, guidelines and emission limitations promulgated by the USEPA pursuant to Section 112 of the Federal Clean Air Act (20.2.72.7 NMAC).
 - *Natural Conditions* - includes naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration (20.2.74.7 NMAC).
 - *Nature and Amount of Emissions* - information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air contaminant emission and includes a general description of the location and nature of the source (20.2.1.115 NMAC).
 - *Necessary Preconstruction Approvals or Permits* - those permits or approvals required under Federal air quality control laws and regulations and those air quality control laws and regulations which are part of the New Mexico State Implementation Plan (20.2.74.7 NMAC).
 - *Net Emissions* - increase includes:
 1. the following (20.2.74.7 NMAC) [Revised March 2007]:
 - a. the amount by which the sum of the following exceeds zero:
 - i. any increase in actual emissions from a particular physical change or change in method of operation at a stationary source
 - ii. any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
 - b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within the time period five years prior to the commencement of construction on the particular change and the date that the increase from the particular change occurs
 - c. An increase or decrease in actual emissions is creditable only if:

- i. it occurs within the time period five years prior to the commencement of construction on the particular change and the date that the increase from the particular change occurs; and
 - ii. the department has not relied on it in issuing a permit for the source under regulations approved pursuant to this section, which permit is in effect when the increase in actual emissions from the particular change occurs
- d. an increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides which occurs before the applicable minor source baseline data are creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
- e. an increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level
- f. a decrease in actual emissions is creditable only to the extent that:
 - i. the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions
 - ii. it is enforceable as a practical matter at and after the time that actual construction on the particular change begins
 - iii. it has approximately the same effect on ambient air quality or health and welfare as that attributed to the increase from the particular change
- g. an increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days
- 2. the following (for areas of non-attainment) (20.2.79.7 NMAC) [Revised March 2007]:
 - a. With respect to any regulated new source review pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:
 - i. any increase in actual emissions from a particular physical change or change in method of operation at a stationary source
 - ii. any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable
 - b. an increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
 - i. the date five years before construction on the particular change
 - ii. the date that the increase from the particular change occurs
 - c. an increase or decrease in actual emissions is creditable only if:
 - i. it occurs within the time period five years prior to the commencement of construction on the particular change and the date that the increase from the particular change occurs; and
 - ii. either the department or the administrator has not relied on it in issuing a permit for the source under regulations approved pursuant to this section, which permit is in effect when the increase in actual emissions from the particular change occurs.
 - d. an increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level
 - e. a decrease in actual emissions is creditable only to the extent that:
 - i. the old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions
 - ii. it is enforceable as a practical matter at and after the time that actual construction on the particular change begins
 - iii. the department has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR Part 51 Subpart I or the state has not relied on it in demonstrating attainment or reasonable further progress
 - iv. it has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change
 - f. an increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days (20.2.79.7 NMAC).

- *New Coal Burning Equipment or Units* - includes:
 1. coal burning equipment the construction of which is commenced after 1 September 1971 (20.2.14.7 NMAC)
 2. coal burning equipment the construction of which is commenced after 1 September 1971 and the commercial operation of which is initiated as shown hereinafter:
 - a. Vintage 1 -coal burning equipment which began commercial operation between the period of 1 December 1976 to 31 October 1979
 - b. Vintage 2 -coal burning equipment which began commercial operation between the period of 1 November 1979 to 31 March 1982
 - c. Vintage 3-coal burning equipment which began commercial operation between the period of 1 April 1982 to 31 December 1982
 - d. Vintage 4-coal burning equipment which is not Vintage 1, 2 or 3 (20.2.31.7 NMAC)
 3. coal burning equipment the construction of which is commenced after 17 August 1971 (20.2.32.7 NMAC).
- *New Gas Burning Equipment* - gas burning equipment, the construction or modification of which is commenced after February 17, 1972 (20.2.33.7 NMAC).
- *New Oil Burning Equipment* - oil burning equipment the construction of which is commenced after 17 August 1971 (20.2.18.7 NMAC).
- *New Source* - any source, the construction of which is commenced after 31 December 1988. The term does not include any new source that is integrally related with and integrally connected to the process of an existing source. The term includes the reconstruction of an existing source (20.2.72.401 NMAC).
- *New Vehicle* - any vehicle with 7,500 miles or fewer on its odometer (20.2.88.7 NMAC) [Added March 2008].
- *Nitrogen Dioxide* - the chemical compound containing one atom of nitrogen and two of oxygen, for the purposes of ambient determinations. The term nitrogen dioxide for the purposes of stack emissions monitoring must include nitrogen dioxide (the chemical compound containing one atom of nitrogen and two of oxygen), nitric oxide (the chemical compound containing one atom of nitrogen and one of oxygen) and other oxides of nitrogen which may test as nitrogen dioxide (20.2.2.7 NMAC).
- *Nonattainment Area* - includes:
 1. for any air contaminant an area which is shown by monitoring data or which is calculated by air quality modeling (or other methods determined by the administrator to be reliable) to exceed any national or New Mexico ambient air quality standard for such contaminant. Such term includes any areas identified under sub-paragraphs (A) through (C) of section 107(d)(1) of the Federal Clean Air Act (20.2.72.7 NMAC)
 2. for any air pollutant an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the administrator to be reliable) to exceed any national ambient air quality standard for such pollutant. Such term includes any areas identified under sub-paragraphs (A) through (C) of section 107(d)(1) of the Federal Clean Air Act (20.2.79.7 NMAC)
 3. an area which has been designated under section 107 of the Federal Clean Air Act as nonattainment for one or more of the National Ambient Air Quality Standards by the USEPA (20.2.74.7 NMAC).
- *Opacity* - the degree to which emissions reduce the transmission of light and obscure the view of an object in the background (20.2.18.7 NMAC).
- *Open Burning* - any manner of burning not in a device or chamber designed to achieve combustion, where the products of combustion are emitted, directly or indirectly, into open air (20.2.60.7 NMAC).
- *Operational Control* - having the authority to introduce and implement operating policies at the facility or operation (20.2.87.7 NMAC) [Added March 2008].

- *Operator* - the person or persons responsible for the overall operation of a facility (20.2.72.7 NMAC).
- *Operator* - any person who operates, controls, or supervises a power plant or a facility that includes a power plant and shall include, but not be limited to, any holding company, utility system, or plant manager of such power plant (20.2.86.7 NMAC) [Added March 2008].
- *Owner* - any of the following persons: (20.2.86.7 NMAC) [Added March 2008]
 1. any holder of any portion of the legal or equitable title in a power plant;
 2. any holder of a leasehold interest in a power plant; or
 3. any purchaser of power from a power plant under a life-of-the-unit firm power contractual arrangement; provided that, unless expressly provided for in a leasehold agreement, owner shall not include a passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based (either directly or indirectly) on the revenues or income from such power plant.
- *Owner* - the person or persons who own a facility or part of a facility (20.2.72.7 NMAC).
- *Particulate Matter Emissions* - all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, an equivalent or alternative method specified by the U.S. EPA Administrator, or a test method specified in the New Mexico State Implementation Plan (20.2.2.7 NMAC).
- *Passenger Car* - any motor vehicle designed primarily for transportation of persons and having a design capacity equal to or less than 12 individuals (20.2.88.7 NMAC) [Added March 2008].
- *PCDD/PCDF* - total tetra- through octa-chlorinated dibenzo-para-dioxins and dibenzofurans (20.2.63.7 NMAC) [Added September 2003].
- *Pecos-Permian Basin Intrastate Air Quality Control Region* - Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties (20.2.40.7 NMAC).
- *Person* - any individual, partnership, corporation, association, municipality, the State, or political subdivision of the State, and any agency, department, or instrumentality of the United States and any of their officers, agents, or employees (20.2.2.7 NMAC).
- *Person* - an individual, public or private corporation, company, partnership, firm, association, society or joint stock company, municipality, state, interstate body, the United States, or any board, commission, employee, agent, officer or political subdivision, or a state, an interstate body or the United States (20.2.88.7 NMAC) [Added March 2008].
- *Photochemical Oxidants* - those oxidizing chemical compounds which are the products of photo-initiated reactions involving organic compounds and nitrogen oxides, consisting primarily of ozone and peroxyacetyl nitrate (PAN) (20.2.2.7 NMAC).
- *Pile* - vegetative materials that have been relocated either by hand or machinery and heaped together (20.2.65.7 NMAC) [August 2004].
- *Pile Volume* - a pile's gross volume, including the air space between solid constituents, as calculated from the pile's overall dimensions and shape (20.2.65.7 NMAC) [August 2004].
- *Placed in Service* - having been sold to an ultimate purchaser and not to a dealer or other entity in the distribution chain, and having been individually registered for on-road use by the New Mexico motor vehicle division (20.2.88.7 NMAC) [Added March 2008].

- *PM_{2.5}* - particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (20.2.2.7 NMAC) [Added March 2010].
- *PM_{2.5} Emissions* - finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, emitted to the ambient air, as measured by an applicable reference method; an equivalent or alternative method specified by the EPA administrator; or a test method specified in the New Mexico state implementation plan (20.2.2.7 NMAC) [Added March 2010].
- *PM₁₀* - particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR 50, Appendix J and designated in accordance with 40 CFR 53 (20.2.2.7 NMAC).
- *PM₁₀ Emissions* - finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, an equivalent or alternative method specified by the USEPA Administrator, or a test method specified in the New Mexico State Implementation Plan (20.2.2.7 NMAC).
- *Portable Stationary Source* - a source which can be relocated to another operating site with limited dismantling and reassembly, including for example but not limited to, moveable sand and gravel processing operations and asphalt plants (20.2.72.7 NMAC).
- *Potential Emission Rate* - the emission rate of a source at its maximum capacity to emit a regulated air contaminant under its physical and operational design, provided any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its physical and operational design only if the limitation or the effect of it would have on emissions is enforceable by the department pursuant to the Air Quality Control Act or the federal Act (20.2.72.7 NMAC) [Revised August 2002; Revised September 2003].
- *Potential to Emit:*
 1. the maximum capacity of a stationary source to emit a regulated air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a regulated air contaminant, including air pollution control equipment and restrictions on hours of operation or the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitations or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source (20.2.72.300 NMAC)
 2. the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or the type or amount of material combusted, stored, or processed, must be treated as part of its design if the limitations or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source (20.2.74.7 NMAC)
 3. the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or the type or amount of material combusted, stored, or processed, must be treated as part of its design only if the limitations or the effect it would have on emissions is federally enforceable (20.2.79.7 NMAC).
- *Power Plant* - one or more stationary coal-fired boiler or stationary coal-fired combustion turbine that is subject to this part pursuant to 20.2.86.100 NMAC (20.2.86.7 NMAC) [Added march 2008].
- *Prescribed Fire* - any fire ignited by any person to meet specific land management objectives; for the purposes of this part, wildland fire use is considered prescribed fire; any fire ignited in an air curtain incinerator is not "prescribed fire" for purposes of this part (20.2.65.7 NMAC) [Added August 2004].

- *Reconstruction* - a modification which results in the replacement of the components or addition of integrally related equipment to an existing source to such an extent that the fixed capital cost of the new components or equipment exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility (20.2.72.401 NMAC).
- *Regular Business Day* - any day on which state government offices are open for normal business. Saturdays, Sundays, and official federal and state holidays are not regular business days (20.2.7.7 NMAC) [Added March 2009].
- *Regulated Air Contaminant* - any air contaminant, the emission or ambient concentration of which is regulated pursuant to the New Mexico Air Quality Control Act or the Federal Clean Air Act (20.2.72.7 NMAC).
- *Reporting Year* - the calendar year in which emissions required to be reported under this part occurred (20.2.87.7 NMAC) [Added March 2008].
- *Sale or Sell* - the transfer of equitable or legal title to a motor vehicle or motor vehicle engine to the ultimate purchaser (20.2.88.7 NMAC) [Added March 2008].
- *Schedule of Compliance* - a schedule or timetable acceptable to the Board, which clearly sets out in detail the steps to be taken in achieving the objectives of a regulation or standard (20.2.2.7 NMAC).
- *Secondary Emissions* - includes:
 1. emissions of an air contaminant which occur as a result of the construction or operation of a stationary source or modification, but do not come from the stationary source or modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the stationary source or modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel (20.2.72.300 NMAC)
 2. emissions which occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel (20.2.79.7 NMAC).
- *Shutdown* - includes:
 1. the cessation of operation of any air pollution control equipment, process equipment, or process for any purpose, except routine phasing out of process units (20.2.32.7 NMAC, 20.2.7.7 NMAC)
 2. the cessation of operation of any air pollution control equipment or process equipment (20.7.7 NMAC) [Added March 2009].
 3. the cessation of operation of any air pollution control equipment, process equipment, or process for any purpose, except routine phasing out of batch process units (20.2.72.7 NMAC).
- *Significant* -in reference to a net emissions increase or the potential of a source to emit air pollutants, a rate of emission that would be equal or exceed any of the rates listed in Table 2 (see Appendix 1-4) (20.2.74.7 NMAC)
- *Significant* - (20.2.79.7 NMAC) [Revised March 2010]
 1. in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- a. carbon monoxide 100 tons per year (tpy)
 - b. nitrogen oxides, 40 tpy
 - c. sulfur dioxide, 40 tpy
 - d. PM10 emissions, 15 tpy
 - e. ozone, 40 tpy of volatile organic compounds or nitrogen oxides
 - f. lead, 0.6 tpy
2. notwithstanding the significant emissions rate for ozone in Paragraph 1, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a major stationary source locating in a serious or severe ozone nonattainment area that is subject to subpart 2, part D, title I of the federal Clean Air Act, if such emissions increase of volatile organic compounds exceeds 25 tons per year.
 3. for the purposes of applying the requirements of Subsection H of 20.2.79.109 NMAC to modifications at major stationary sources of nitrogen oxides located in a nonattainment area or in a nonattainment transport region, the significant emission rates and other requirements for volatile organic compounds in Paragraphs 1, 2, and 5 shall apply to nitrogen oxides emissions.
 4. notwithstanding the significant emissions rate for carbon monoxide under Paragraph 1, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of carbon monoxide that would result from any physical change in, or change in the method of operation of, a major stationary source in a serious nonattainment area for carbon monoxide if such increase equals or exceeds 50 tons per year, provided the U.S. environmental protection agency administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
 5. Notwithstanding the significant emissions rates for ozone under Paragraphs 1 and 2, any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of volatile organic compounds located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the federal Clean Air Act shall be considered a significant net emissions increase.
- *Smoke* - small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, soot, and combustible material (20.2.2.7 NMAC).
 - *Standard Industrial Classification (SIC)* - the code from the classification manual created by the Executive Office of the President-Office of Management and Budget, which categorizes industrial, manufacturing and commercial facilities, as listed in the Standard Industrial Code Manual published by the U.S. Government Printing Office, Washington D.C. 1972 (20.2.72.7 NMAC).
 - *Startup* - includes:
 1. the setting into operation of any air pollution control equipment or process equipment (20.2.7.7 NMAC) [Revised March 2009]
 2. the setting into operation of any air pollution control equipment, process equipment, or process for any purpose, except routine phasing out of batch process units (20.2.72.7 NMAC).
 - *State*: (20.2.88.7 NMAC) [Added March 2008]
 1. for purposes of referring to a governing entity, the state of New Mexico; or
 2. for purposes of referring to a geographic area, all geographic areas within the jurisdiction of the environmental improvement board.
 - *Station* - all coal burning equipment at one location (20.2.32.7 NMAC).
 - *Stationary Combustion Equipment* - any stationary device or system used to oxidize solid, liquid, or gaseous materials, including fuels or wastes, and includes but is not limited to incinerators, woodfired boilers, air curtain destructors, and stationary oil burning equipment (20.2.61.7 NMAC).
 - *Stationary Source, or Source* - any building, structure, facility or installation which emits or may emit any regulated new source review pollutant (20.2.79.7 NMAC) [Revised March 2007].

- *Submit* - to send or transmit a document, information, or correspondence to the person specified in accordance with the applicable regulation in person, by United States postal service, or by other means of dispatch or transmission and delivery. Compliance with any "submission" deadline shall be determined by the date of dispatch, transmission, or mailing and not the date of receipt (20.2.86.7 NMAC) [Added March 2008].
- *Sulfur Dioxide* - the chemical compound containing one atom of sulfur and two of oxygen, for the purposes of ambient determinations. The term sulfur dioxide for the purposes of stack emissions monitoring must include sulfur dioxide (chemical compound containing one atom of sulfur and two of oxygen), and other oxides of sulfur which may test as sulfur dioxide (20.2.2.7 NMAC).
- *Sulfuric Acid* - the chemical compound H_2SO_4 (20.2.40.7 NMAC).
- *Sulfuric Acid Produced* - the production expressed as 100 percent H_2SO_4 (20.2.40.7 NMAC).
- *Sulfuric Acid Production Unit* - any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds (20.2.40.7 NMAC).
- *Temporary Source* - includes:
 1. a stationary source that changes its location or ceases to exist within two years from the date of initial start of operations (20.2.74.7 NMAC)
 2. a stationary source that changes its location or ceases to exist within one year from the date of initial start of operations (20.2.79.7 NMAC).
- *The Climate Registry* - the nonprofit corporation by that name incorporated under the District of Columbia Nonprofit Corporation Act with a purpose of creating and operating a multi-state greenhouse gas emissions registry (20.2.87.7 NMAC) [Added March 2008].
- *Total Suspended Particulate (TSP)* - particulate matter as measured by the method described in 40 CFR 50, Appendix B (20.2.2.7 NMAC).
- *Toxic Air Pollutant* - any air contaminant in Appendix A to this regulation (20.2.72.401 NMAC).
- *Ultimate Purchaser* - with respect to any new motor vehicle or new motor vehicle engine, the first person whom in good faith purchases a new motor vehicle or new motor vehicle engine for a purpose other than resale (20.2.88.7 NMAC) [Added March 2008].
- *Vegetative Material* - plant material, including (20.2.60.7 NMAC [Added August 2004]):
 - a. grass, grass clippings, leaves, conifer needles, bushes, shrubs, trees, and clippings from bushes, shrubs and trees, resulting from maintenance of yards or other private or public lands; and
 - b. wood waste, clean lumber, wood and wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings, which have not been painted, pigment-stained, or treated with compounds containing chromium, copper, arsenic, pentachlorophenol, or creosote.
- *Ventilation Category* - adjective describing the ventilation index conditions in terms of excellent, very good, good, fair, and poor (20.2.65.7 NMAC) [Added August 2004].
- *Vintage A* - coal burning equipment that was fully constructed and operational prior to 31 December 1963 (20.2.32.7 NMAC).
- *Vintage B* - coal burning equipment that was fully constructed and became operational in the period from 31 December 1963, to 31 December 1964 (20.2.32.7 NMAC).

- *Vintage C* - coal burning equipment that was fully constructed and became operational in the period from 1 January 1965, to 17 August 1971 (20.2.32.7 NMAC).
- *Vintage D* - coal burning equipment the construction of which commenced prior to, and became operation after 17 August 1971 (20.2.32.7 NMAC).
- *Visible Emissions* - particulate or gaseous matter which can be detected by the human eye (20.2.61.7 NMAC).
- *Visibility Impairment* - any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions (20.2.74.7 NMAC).
- *Volatile Organic Compound (VOC)* - any organic compound which participated in atmospheric photochemical reactions, that is, any organic compound other than those which the Administrator designates as having negligible photochemical reactivity (20.2.2.7 NMAC).
- *Wildfire* - any unplanned, non-structural fire that occurs on wildland (20.2.65.7 NMAC) [Added August 2004].
- *Wildland* - an area in which development is essentially non-existent, except for roads, railroads, power lines, and similar transportation facilities; structures if any are widely scattered (20.2.65.7 NMAC) [Added August 2004].
- *Wildland Fire Use* - the management of wildfire, which is naturally ignited (such as by lightning or volcanic eruption) fire, to accomplish specific pre-stated resource objectives in predefined geographic areas, also known as fire use, wildfire use, prescribed natural fire, and fire for resource benefit (20.2.65.7 NMAC) [Added August 2004].
- *Woodwaste Burner* - any device used for woodwaste including but not limited to a wigwam-type burner (20.2.10.7 NMAC).

**AIR EMISSIONS MANAGEMENT
GUIDANCE FOR NEW MEXICO CHECKLIST USERS**

REFER TO CHECKLIST ITEMS:

Missing Checklist Items	AE.2.1.NM.
State-Specific Requirements	
Permits/Notifications/Exemptions	AE.6.1.NM. through AE.6.8.NM.
Management/Administrative	AE.7.1.NM. through AE.7.5.NM.
Emissions Limits	AE.9.1.NM.
Mercury	AE.12.1.NM. and AE.12.2.NM.
Fuel-Burning Equipment	AE.15.1.NM. through AE.15.13.NM.
Medical Waste Incinerators	
General	AE.30.1.NM. through AE.30.14.NM.
Monitoring	AE.32.1.NM. through AE.32.3.NM.
Reporting/Recordkeeping Requirements	AE.34.1.NM. through AE.34.3.NM.
Municipal Waste Combustors	AE.35.1.NM. through AE.35.18.NM.
Acid Production Units	AE.80.1.NM. through AE.80.3.NM.
Open Burning	AE.130.1.NM. through AE.130.9.NM.
Vehicle Emissions	AE.135.1.NM. and AE.135.2.NM.
Asphalt Paving Materials/Operations	AE.145.1.NM. and AE.145.2.NM.
Other Emissions/Sources	[Deleted]
County/City-Specific Requirements	AE.160.1.NM.
Greenhouse Gas Emissions	
Reporting	AE.205.1.NM.

(NOTE: The Albuquerque/Bernalillo County Air Quality Control Board has a complete set of air emission regulations that are not included in this chapter. If your Federal facility is in the City of Albuquerque or Bernalillo County, and you would like to see these regulations included in this State Supplement, please notify USACERL using the comment form that is included in the main introduction.)

GUIDANCE FOR NEW MEXICO APPENDIX USERS

REFER TO APPENDIX NUMBERS: REFER TO APPENDIX TITLES:

1-1	Significant Ambient Concentrations
1-2	Fugitive Emissions Source Categories
1-3	Prevention of Significant Deterioration Source Categories
1-4	Significant Emission Rates
1-5	Allowable PSD Increments
1-6	Toxic Air Pollutants and Emissions
1-7	Significant Ambient Concentrations
1-8	Particulate Matter Emissions Limitations
1-9	Biomedical Waste Combustion Tables
1-10	Emissions Limitations for Municipal Waste Combustors
1-11	Emissions Rates for Asphalt Processing Equipment

COMPLIANCE CATEGORY: AIR EMISSIONS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>AE.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>AE.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: AIR EMISSIONS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>STATE SPECIFIC REQUIREMENTS</p> <p>AE.6. Permits/ Notification/ Exemptions</p> <p>AE.6.1.NM. Major stationary sources must comply with control technology requirements (20.2.74.302 (A) and (B) NMAC) [Citation Revised September 2003 ; Citation Revised March 2009].</p> <p>AE.6.2.NM. Major stationary sources must comply with ambient impact requirements (20.2.74.303 (B) NMAC) [Citation Revised September 2003; Citation Revised March 2009].</p> <p>AE.6.3.NM. Stationary sources must comply with permit requirements (20.2.72.200 (A)(1), (2), (4), and (5), and (F) NMAC) [Citation Revised September 2003; Revised March 2009].</p>	<p>Verify that a new major stationary source applies best available control technology (BACT) for each regulated pollutant that it would have the potential to emit in amounts equal to or greater than the significance levels in Appendix 1-4.</p> <p>Verify that a major modification applies BACT for each regulated pollutant at the source when a significant net emissions increase occurs (see definitions).</p> <p>(NOTE: The requirements of this checklist item apply to each pollutant emitted by a new major stationary source or major modification in amounts equal to or greater than those in Appendix 1-4.)</p> <p>Verify that allowable emission increases from the proposed source or modification, including secondary emissions, in conjunction with all other applicable emissions increases or reductions, do not cause or contribute to air pollution in violation of:</p> <ul style="list-style-type: none"> - any National Ambient Air Quality Standard in any location - any applicable maximum allowable increase, as shown in Appendix 1-5, over the baseline concentrations in any area. <p>Verify that a facility that constructs or modifies a stationary source with a potential emission rate greater than 10 lb/h or 25 tons per year of any regulated air contaminant has a permit and is in compliance with its conditions.</p> <p>(NOTE: The potential emission rate for nitrogen dioxide must be based on total oxides of nitrogen.)</p> <p>Verify that a facility that constructs or modifies a stationary source with a potential emission rate for lead greater than 5 tons per year has a permit and is complying with its conditions.</p> <p>Verify that any person constructing or modifying a new source (see definitions) which has total potential emissions of a toxic air pollutant into the ambient air that exceed the emission level in pounds per hour specified in Appendix 1-6 has a</p>

COMPLIANCE CATEGORY: AIR EMISSIONS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>AE.6.4.NM. Major stationary sources in nonattainment areas and in certain attainment or unclassifiable areas must have a permit (20.2.79.109 (A) NMAC) [Revised September 2003].</p> <p>AE.6.5.NM. Stationary sources must comply with operating permit requirements (20.2.70.200, 20.2.70.201 (A), and 20.2.70.202 (A) and (B) NMAC) [Revised September 2003].</p>	<p>permit and is in compliance with its conditions.</p> <p>(NOTE: Temporary installations and portable stationary sources are also subject to this permit requirement.)</p> <p>Verify that any person constructing any new major stationary source or major modification obtains a permit from the Department prior to the start of construction or modification if either of the following conditions apply:</p> <ul style="list-style-type: none"> - the major stationary source or major modification will be located within a nonattainment area and will emit a regulated pollutant for which it is major and which the area is designated nonattainment for - the major stationary source or major modification will be located within an area designated attainment or unclassifiable and will emit a regulated pollutant for which it is major and the ambient impact of such pollutant would exceed any of the significance levels in Appendix 1-7 at any location that does not meet any national ambient air quality standard for the same pollutant. <p>Verify that Part 70 operating permits are obtained from the Department for the following sources:</p> <ul style="list-style-type: none"> - any major source - any source, including an area source, subject to a standard or other requirement promulgated under section 111 -- Standards of Performance for New Stationary Sources, or section 112 -- Hazardous Air Pollutants, of the Federal Act, but not including any source which: <ul style="list-style-type: none"> - is exempted (see below), or - would be required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of the Federal Act - any acid rain source - any source in a source category so designated by the Administrator, in whole or in part, by regulation, after notice and comment. <p>Verify that a Part 70 source continues in operation after the time that it is required to submit a timely and complete application under this Part only if:</p> <ul style="list-style-type: none"> - the source is in compliance with an operating permit issued by the Department or EPA, or - a timely permit (including permit renewal) application has been submitted. <p>(NOTE: The following source categories are exempted from the obligation to obtain an operating permit:</p> <ul style="list-style-type: none"> - all sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA -- Standards of Performance for New Residential Wood Heaters

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<p>AE.6.6.NM. Stationary sources with operating permits must comply with recordkeeping requirements (20.2.70.302 (D) NMAC).</p>	<ul style="list-style-type: none"> - all sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M -- National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation - except as required under sections 20.2.70.500 NMAC - 20.2.70.599 NMAC, any source that would be required to obtain a permit solely because of emissions of radionuclides - any source in a source category exempted by the Administrator, by regulation, after notice and comment.) <p>(NOTE: Non-major sources, including those subject to sections 111 or 112 of the Federal Act, are exempt from the obligation to obtain a Part 70 permit until such time that the Administrator completes a rulemaking that requires such sources to obtain operating permits.)</p> <p>Verify that a stationary source which has an operating permit maintains records sufficient to assure and verify compliance with the terms and conditions of the permit, including recordkeeping of:</p> <ul style="list-style-type: none"> - the date, place, and time of sampling or measurements - the dates analyses were performed - the company or entity that performed the analyses - the analytical techniques or methods used - the results of such analyses - the operating conditions existing at the time of sampling or measurement. <p>Verify that records of all monitoring data and support information are retained for at least 5 years from the date of the monitoring sample, measurement, report, or application.</p> <p>(NOTE: Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.)</p>
<p>AE.6.7.NM. Stationary sources must comply with requirements regarding a notice of intent and notification (20.2.73.200 NMAC) [Citation Revised September 2003 ; Citation Revised March 2008].</p>	<p>Verify that a facility that intends to construct or modify a stationary source (see definitions) with a potential emission rate greater than 10 tons per year of any regulated contaminant (see definitions), or 1 ton per year of lead, files a Notice of Intent with the Department.</p> <p>(NOTE: These requirements do not apply to sources in Bernalillo County.)</p> <p>Verify that construction is not started prior to issuance of a written determination by the Department that a permit is not required, or if a permit is required, prior to the issuance of the permit under Part 72, Part 74, or Part 79 (20.2.72, 20.2.74 or</p>

COMPLIANCE CATEGORY: AIR EMISSIONS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>AE.6.8.NM. Stationary sources with operating permits must comply with reporting requirements (20.2.70.302(E) NMAC) [Revised March 2009].</p>	<p>20.2.79 NMAC).</p> <p>Verify that the Department is notified in the event that any of the following occurs, according to the times specified:</p> <ul style="list-style-type: none"> - portable stationary source relocation, at least 15 days before relocation - stationary source shutdown lasting for 1 yr or more, 30 days after shutdown - assumption of ownership of a stationary source, within 30 days after assumption of ownership. <p>Verify that a stationary source that has an operating permit submits reports of any required monitoring at least every 6 mo.</p> <p>Verify that the reports are received by the Department within 45 days of the end of the permittee's reporting period.</p> <p>Verify that all instances of deviations from permit requirements, including emergencies, are clearly identified in the reports.</p> <p>Verify that deviations from permit requirements are promptly reported, including the date, time, duration, and probable cause of such deviations, the quantity and pollutant type of any excess emissions resulting from the deviation, and any corrective measures taken.</p> <p>Verify that a stationary source that has an operating permit submits compliance certification reports at least every 12 mo. certifying the source's compliance status with all permit terms and conditions, including emission limitations, standards, or work practices.</p> <p>Verify that the certification report is received by the Department within 30 days of the end of the permittee's reporting period, and that it includes:</p> <ul style="list-style-type: none"> - each term or condition of the permit that is the basis of the certification - the compliance status of the source - whether compliance was continuous or intermittent - the methods used for determining the compliance status of the source - such other facts as the Department may require to determine the compliance status of the source.

COMPLIANCE CATEGORY: AIR EMISSIONS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
STATE SPECIFIC REQUIREMENTS AE.7. Management / Administrative AE.7.1.NM. Stationary sources must comply with emission inventory requirements (20.2.73.300 NMAC) [Revised August 2002; Revised May 2005].	<p>(NOTE: The emission inventory requirements apply to any stationary source located outside of Bernalillo County which:</p> <ul style="list-style-type: none"> - has been issued a permit under Part 72 (20.2.72 NMAC - Construction Permits) during any period of time, except for toxic air pollutant permits issued under Sections 401 to 499 of 20.2.72 NMAC - is required to file a Notice of Intent - emits in excess of 1 ton of lead or 10 tons of total suspended particulate, PM10, sulfur dioxide, nitrogen oxides, carbon monoxide, or volatile organic compounds in any calendar year including and subsequent to 1990.) <p>Verify that any of the following sources submits an emissions report annually:</p> <ul style="list-style-type: none"> - any source which emits, or has the potential to emit, 5 tons per year or more of lead or lead compounds, or 100 tons per year or more of PM10, PM2.5, sulfur oxides, nitrogen oxides, carbon monoxide, or volatile organic - any source defined as a major source of hazardous air pollutants under Part 70 (20.2.70 NMAC - Operating Permits) - any source which is located in an ozone nonattainment area and which emits, or has the potential to emit, 25 tons per year or more of nitrogen oxides or volatile organic compounds. <p>(NOTE: Any source which is not required by the preceding paragraphs to submit an emission report will submit an emissions report under this Part upon request by the Department, but no more frequently than annually. The Department will provide to the owner or operator required to submit an emissions report a complete copy of the most current emissions report for their stationary source which is on file with the Department.)</p> <p>Verify that by April 1 of each year the source mails to the Department a copy of the emissions inventory with all corrections or updates necessary to correctly reflect emissions during the previous calendar year.</p> <p>(NOTE: Sources whose permits specify a submission date other than April 1 will submit annual reports on that specified date.)</p> <p>Verify that the emissions inventory submittal includes:</p> <ul style="list-style-type: none"> - the name, address and physical location of the stationary source - the name and telephone number of the person to contact regarding the emissions report

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
	<ul style="list-style-type: none"> - a certification signed by the owner, or operator, or a responsible official as defined in Part 70 attesting that the statements and information contained in the emissions report are true and accurate to the best knowledge and belief of the certifying official, and including the full name, title, signature, date of signature, and telephone number of the certifying official - for each emission point (as required by the Department): <ul style="list-style-type: none"> - stack and exhaust gas parameters - type of control equipment and estimated control efficiency - schedule of operation - estimated actual emissions, including fugitive emissions and emission occurring during maintenance, start-ups, shutdowns, upsets, and downtime of total suspended particulate, PM10, sulfur oxides, nitrogen oxides, carbon monoxide, volatile organic compounds, and lead in tons per year and a description of the methods utilized to make such estimates, including calculations - the annual process or fuel combustion rates - the fuel heat, sulfur, and ash content - all information required under the Federal Act. <p>Verify that emissions reports from sources located in ozone nonattainment areas include, in addition to the contents specified above, the following information:</p> <ul style="list-style-type: none"> - typical daily process rate during the peak ozone season, where the peak ozone season is specified by the Department - estimated actual emissions of nitrogen oxides and volatile organic compounds, which are reported: <ul style="list-style-type: none"> - for each emissions point - for each process and fuel type contributing to emissions from each point - in units of tons per year for annual emissions - in units of pounds per day for a typical day during the peak ozone season.
AE.7.2.NM. Excess emissions must be reported (20.2.7.110 (A) and (B) NMAC) [Revised September 2003; Citation Revised March 2007; Revised March 2009].	<p>Verify that the owner or operator of a source having an excess emission reports the exceedance to the department on forms provided by the department.</p> <p>Verify that the owner or operator files an initial report, no later than the end of the next regular business day after the time of discovery of an excess emission.</p> <p>Verify that the owner or operator files a final report no later than 10 days after the end of the excess emission.</p> <p>Verify that the report includes:</p> <ul style="list-style-type: none"> - the name of the source - the name of the owner and operator of the source - the name and title of the person preparing the report - identifying information such as permit and database numbers

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
	<ul style="list-style-type: none"> - the specific date(s) and time(s) the excess emission occurred - identification of the equipment involved and the emission point(s) (including bypass) from which the excess emission occurred - the air quality regulation or permit condition that was exceeded - identification of the air contaminant(s) and the magnitude of the excess emission - the method for determining the magnitude and duration of the excess emission - the cause and nature of the excess emission - the steps taken to limit the duration and magnitude of the excess emission - the corrective action(s) taken to eliminate the cause of the excess emission - the corrective action(s) taken to prevent a recurrence of the excess emission - whether the owner or operator attributes the excess emission to malfunction, startup or shutdown - whether the owner or operator will claim an affirmative defense - a signed certification of truth, accuracy, and completeness. <p>(NOTE: If the period of excess emissions extends beyond the submittal of the written notification, the owner or operator of the facility must also notify the Department in writing within 72 hours of the date and time when the excess emission ceased.)</p>
AE.7.3.NM. [Moved March 2010].	<p>(NOTE: Moved to AE.205.1.NM.)</p>
AE.7.4.NM. A plan must be implemented to minimize emissions during routine or predictable startup, shutdown, and scheduled maintenance (20.2.7.14 NMAC) [Added March 2009].	<p>(NOTE: This checklist applies to sources that are subject to a permit or the notification requirement defined in AE.7.5.NM.)</p> <p>Verify that a plan is established and implemented to minimize emissions during routine or predictable startup, shutdown, and scheduled maintenance through work practice standards and good air pollution control practices.</p> <p>(NOTE: This checklist item does not apply to any affected facility defined in and subject to an emissions standard and an equivalent plan under</p> <ul style="list-style-type: none"> - 40 CFR Part 60 (NSPS), 40 CFR Part 63 (MACT), or an equivalent plan - 20.2.72 NMAC - Construction Permits - 20.2.70 NMAC - Operating Permits - 20.2.74 NMAC - Permits - Prevention of Significant Deterioration (PSD) - 20.2.79 NMAC - Permits - Nonattainment Areas.) <p>Verify that the owner or operator maintains the plan at the location authorized by the permit, at the facility, or at the nearest occupied facility, and provide the plan to the department upon written request.</p>

COMPLIANCE CATEGORY: AIR EMISSIONS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>AE.7.5.NM. Routine or predictable emissions during startup, shutdown, and scheduled maintenance that could exceed applicable emission limitations or thresholds must be reported to the Department (20.2.7.15 NMAC) [Added March 2009].</p>	<p>Verify that the owner or operator notifies the department in writing, if the inclusion of emissions during routine or predictable startup, shutdown, or scheduled maintenance in addition to the potential emission rate or potential to emit of a source could exceed an applicable emissions limitation, or would cause the source to exceed an applicability threshold in construction permits, operating permits, prevention of significant deterioration (PSD) thresholds, or nonattainment areas thresholds.</p>

COMPLIANCE CATEGORY: AIR EMISSIONS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
STATE SPECIFIC REQUIREMENTS AE.9. Emissions Limits AE.9.1.NM. Combustion equipment that releases smoke or visible emissions into the open air must comply with specific requirements (20.2.61.108 and 20.2.61.110 NMAC) [Revised September 2003].	<p>Verify that smoke or visible emissions from stationary combustion equipment does not equal or exceed opacity of 20 percent.</p> <p>(NOTE: Stationary combustion equipment and particulate emissions that are specifically regulated by Parts 20.2.10 through 20.2.18, 20.2.37, and 20.2.42 NMAC are exempt from this regulation.)</p> <p>(NOTE: Opacity limits do not apply to emissions from oil well drilling rigs and oil well servicing rigs and emissions that result from insignificant activities (see definitions).)</p> <p>(NOTE: See AE.135.1.NM. for limits on vehicle emissions.)</p>

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AE.12 MERCURY AE.12.1.NM. Coal-fired power plants constructed and generating electric power and energy after July 1, 2007 must meet mercury removal requirements (20.2.86.100, 20.2.86.101, and 20.2.86.104 NMAC) [Added March 2008]. AE.12.2.NM. Coal-fired power plants constructed and generating electric power and energy after July 1, 2007 must meet general monitoring and reporting requirements (20.2.86.105 NMAC) [Added March 2008].	<p>Verify that, prior to and at all times when generating electric power, each coal-fired power plant implements a controls strategy for mercury emissions that removes the greater of what is achievable with best available control technology or ninety percent removal of the mercury from the input fuel.</p> <p>Verify that each the owner or operator of any power plant submits to the department a controls strategy selection report that analyzes control of mercury emissions.</p> <p>(NOTE: The department shall establish monitoring and recordkeeping requirements that ensure compliance with the permit condition.)</p> <p>Verify that any power plant with a nameplate capacity of greater than 25 megawatts electric producing electricity for sale complies with all applicable requirements for monitoring and reporting (pursuant to 20.2.85.111 NMAC and 40 CFR 75 subpart I).</p> <p>Verify that the owner or operator of each electric generating unit meets the following requirements:</p> <ul style="list-style-type: none"> - installs all monitoring systems required for monitoring mercury mass emissions and individual unit heat input (including all systems required to monitor mercury concentration, stack gas moisture content, stack gas flow rate, and carbon dioxide or oxygen concentration, as applicable) in accordance with 40 CFR 75.81 and 40 CFR 75.82 - successfully completes all certification tests required and meets all other requirements of this part and 40 CFR 75 Subpart I applicable to the monitoring systems - record and report the data from the monitoring systems in accordance with 40 CFR 75 - quality-assure the data from the monitoring systems in accordance with 40 CFR 75. <p>Verify that any power plant with a nameplate capacity of less than or equal to 25 megawatts electric producing electricity for sale provides the department with an annual report.</p> <p>Verify that the annual report meets the following requirements:</p> <ul style="list-style-type: none"> - includes adequate information to demonstrate compliance with the mercury control limit set by the air quality permit issued by the department

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	- submitted to the department annually within 30 calendar days of the anniversary of the date that the air quality permit was issued.

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<p>AE.15.</p> <p>FUEL-BURNING EQUIPMENT</p> <p>AE.15.1.NM. The operation of coal burning equipment must comply with specific requirements (20.2.14.200 (A) through (D) NMAC) [Revised August 1998; Revised September 2003].</p> <p>AE.15.2.NM. New coal burning equipment (constructed after 1 September 1971) must satisfy sulfur dioxide emission requirements (20.2.31.109 NMAC) [Revised August 1998; Revised September 2003; Citation Revised March 2007].</p>	<p>Verify that coal burning equipment having a rated heat capacity of less than or equal to 250 MBtu/h does not emit particulate matter into the atmosphere in excess of the limits set forth in Appendix 1-8.</p> <p>Verify that new coal burning equipment (constructed after 1 September 1971) having a rated heat capacity of greater than 250 MBtu/h does not emit:</p> <ul style="list-style-type: none"> - particulate matter into the atmosphere in excess of 0.05 lb/MBtu of heat input - fine particulate matter of less than 2 microns equivalent aerodynamic diameter into the atmosphere in excess of 0.02 lb/MBtu of heat input. <p>Verify that existing coal burning equipment (constructed prior to 1 September 1971) having a rated heat capacity greater than 250 MBtu/h and less than 5000 MBtu/h does not emit:</p> <ul style="list-style-type: none"> - particulate matter into the atmosphere in excess of 0.05 lb/MBtu of heat input - fine particulate matter of less than 2 microns equivalent aerodynamic diameter into the atmosphere in excess of 0.04 lb/MBtu of heat input. <p>Verify that, after 31 December 1982, existing coal burning equipment having a rated heat capacity equal to or greater than 5000 MBtu/h does not emit:</p> <ul style="list-style-type: none"> - particulate matter into the atmosphere in excess of 0.05 lb/MBtu of heat input - fine particulate matter of less than 2 microns equivalent aerodynamic diameter into the atmosphere in excess of 0.04 lb/MBtu of heat input. <p>Verify that Vintage 4 new coal burning equipment having a power generating capacity in excess of 25 megawatts (MW), or a rated heat input of greater than 250 MBtu/h, does not emit sulfur dioxide into the atmosphere in excess of 0.34 lb/MBtu of heat input averaged over a 3-h period.</p> <p>Verify that Vintage 1, 2, or 3 new coal burning equipment having a power generating capacity in excess of 25 MW or a heat input of greater than 250 MBtu/h does not emit sulfur dioxide into the atmosphere in excess of 1.2 lb/MBtu of heat input averaged over a 3-h period.</p> <p>Verify that any combination of at least one Vintage 1, 2, or 3 new and existing coal-burning equipment, after 31 December 1982, does not emit sulfur dioxide into the atmosphere in excess of 0.55 lb/MBtu of heat input averaged over a 30-</p>

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<p>AE.15.3.NM. Existing coal burning equipment (constructed prior to September 1971) must satisfy sulfur dioxide emission requirements (20.2.31.110 NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised March 2007].</p>	<p>day period, and in excess of 13,000 lb/h averaged over a 3-h period.</p> <p>(NOTE: Owners or operators of a station consisting of any combination of at least one Vintage 1, 2, or 3 new and existing coal-burning equipment may allow sulfur dioxide emissions to the atmosphere, up to 0.65 lb/MBtu averaged over a thirty-day period after demonstrating to the Board the equipment's inability to meet on a continuous basis, with a two-module operation per unit, the 0.55 lb/MBtu requirement. The equipment must continue to meet the 13,000 lb/hr averaged over a 3-hour period.)</p> <p>Verify that existing coal burning equipment, with a rated heat capacity greater than 3000 MBtu/h and less than or equal to 5000 MBtu, does not emit sulfur dioxide into the atmosphere in excess of 28 percent of that which is produced by the coal burning equipment averaged over any 30-day period.</p> <p>Verify that a coal burning station consisting of 2 or more units of existing coal burning equipment having a rated heat capacity greater than 250 MBtu/h does not emit sulfur dioxide into the atmosphere:</p> <ul style="list-style-type: none"> - in excess of 28 percent of that which is produced by the existing coal burning equipment, averaged over any 30-day period, determined on a total station basis, or - more than once per year, total sulfur dioxide emissions in excess of 17,900 lb/h, averaged over any 3-h period, determined on a total station basis. <p>Verify that total sulfur dioxide emissions from an existing coal burning station do not exceed 17,900 lb/h, averaged over any 3-hour period.</p> <p>(NOTE: Upon request of the owner or operator of an existing coal burning station, the Department may later approve alternative individual emission limitations for each stack serving existing coal burning equipment of the station as long as the total of the individual stack emission limitations from the station do not exceed 17,900 pounds per hour, averaged over any three-hour period. Until alternative individual stack emission limitations are approved by the Department, the previously approved individual emission limitations must remain in effect.)</p>
<p>AE.15.4.NM. New and existing coal burning equipment must include a monitor for measuring and recording sulfur dioxide concentrations (20.2.31.112 NMAC) [Revised August 1998; Revised September 2003; Revised August 2004 ;</p>	<p>Verify that new or existing coal burning equipment is equipped and operated with at least one Department-approved monitor that continuously measures and records sulfur dioxide concentrations in the gases within each stack from which flue gases serving coal burning equipment are released to the atmosphere.</p> <p>Verify that such monitors are maintained in good operating condition.</p> <p>(NOTE: The coal burning equipment subject to the percentage removal requirements of AE.15.3.NM. (20.2.31.109 N MAC) will also continuously</p>

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<p>Citation Revised March 2007].</p> <p>AE.15.5.NM. Coal burning equipment must comply with reporting requirements regarding sulfur dioxide emissions (20.2.31.113 (A) and (B) NMAC) [Citation Revised August 1998; Citation Revised September 2003; Citation Revised March 2007].</p>	<p>measure and record sulfur dioxide concentrations within the flue gases prior to their entering any sulfur dioxide removal system, unless the Department has approved an alternative means of determining sulfur dioxide concentrations within the flue gases prior to their entry into the sulfur dioxide removal system based upon a finding by the Department that continuous monitoring at such locations is infeasible or otherwise unreasonable.)</p> <p>Verify that instruments and sampling systems installed and used are calibrated in accordance with the methods prescribed by manufacturers recommended zero adjustment and calibration checks occur at least once every 24-hours of operation, unless the instrument manufacturer specifies or recommends calibration checks more frequently.</p> <p>(NOTE: No calibration and adjustments are required during the period when coal burning equipment is not operating.)</p> <p>Verify that the owner or operator of coal burning equipment retains for a period of 2 years all raw data and quality assurance measurements and procedures.</p> <p>Verify that a source with existing coal burning equipment submits quarterly reports to the Department so that the report is received by the Department within 45 days of the end of the quarterly period.</p> <p>Verify that the quarterly report contains the following information:</p> <ul style="list-style-type: none"> - hourly average of the concentrations of sulfur dioxide, expressed in parts per million, in the gases which are being emitted to the atmosphere, except for periods of instrument calibration and zero adjustments - hourly averages of the percent excess oxygen in the gases coming from coal burning equipment - rate of heat input into the coal burning equipment calculated for each day - daily average or daily composite percent sulfur and heat content of the coal utilized by the coal burning equipment determined for each day. <p>Verify that a source with new coal burning equipment submits quarterly reports to the Department so that the report is received by the Department within 45 days of the end of the quarterly period.</p> <p>Verify that the quarterly report contains the following information:</p> <ul style="list-style-type: none"> - a report of excess emissions, including the nature and cause of the excess emissions, the magnitude of the excess emissions, and the time period(s) when the excess emissions occurred - specific indication of each period of excess emissions that occurred during startups, shutdowns, and malfunctions of the affected facility, including the nature and causes of any malfunctions and the corrective action or preventative measures taken

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	<p>- the date and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks and the nature of the system repairs or adjustments.</p> <p>(NOTE: When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired, or adjusted, this information is to be stated in the report.)</p>
<p>AE.15.6.NM. New coal burning equipment (constructed after 1 September 1971) must satisfy nitrogen dioxide emission requirements (20.2.32.109 NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2007].</p>	<p>Verify that new coal burning equipment having a power generating capacity in excess of 25 MW or a heat input of greater than 250 MBtu/h does not emit nitrogen dioxide into the atmosphere in excess of 0.45 lb/MBtu of heat input.</p>
<p>AE.15.7.NM. Existing coal burning equipment (constructed prior to 1 September 1971) must satisfy nitrogen dioxide emission requirements (20.2.32.110 and 20. 2.32.111 NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised March 2007].</p>	<p>Verify that Vintage A coal burning equipment having a power generating capacity in excess of 25 MW or a heat input of greater than 250 MBtu/h does not emit nitrogen dioxide into the atmosphere in excess of 0.85 lb/MBtu of heat input.</p> <p>Verify that Vintage B or Vintage C coal burning equipment having a power generating capacity in excess of 25 MW or a heat input of greater than 250 MBtu/h does not emit nitrogen dioxide into the atmosphere in excess of 0.65 lb/MBtu of heat input.</p> <p>Verify that Vintage D coal burning equipment having a power generating capacity in excess of 25 MW or a heat input of greater than 250 MBtu/h does not emit nitrogen dioxide into the atmosphere in excess of 0.7 lb/MBtu of heat input.</p> <p>Verify that a source with Vintage A, B, and C coal burning equipment does not emit, on a station-wide basis, nitrogen dioxide into the atmosphere in excess of 335,000 lb per day, measured from midnight to midnight.</p> <p>Verify that for periods when the Vintage A, B, and C coal burning equipment is not operating, the stationwide limitation is reduced by the following amounts:</p> <ul style="list-style-type: none"> - 1542 lb/h for Vintage A or B coal burning equipment - 4667 lb/h for Vintage C coal burning equipment.

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<p>AE.15.8.NM. Vintage A, B, and C coal burning equipment must include a continuous emissions monitoring system for measuring and recording nitrogen dioxide concentrations (20.2.32.114(A) NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised March 2007].</p>	<p>Verify that a source with Vintage A, B, and C coal burning equipment installs, calibrates, maintains, and operates a Department-approved continuous emissions monitoring system (CEMS) that continuously measures and records nitrogen dioxide concentrations in the flue gases released into the atmosphere from each unit of coal burning equipment.</p> <p>(NOTE: Continuous emissions monitoring must apply during all periods of operation of the coal burning equipment, including periods of startup, shutdown and malfunction, except for CEMS breakdowns, repair, calibration checks, and zero and span adjustment. All sampling points for monitoring nitrogen dioxide concentrations must be approved in writing by the Department.)</p>
<p>AE.15.9.NM. Owners/operators of Vintage A, B, and C coal burning equipment must comply with reporting requirements regarding nitrogen dioxide emissions (20.2.32.115 NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised March 2007].</p>	<p>Verify that a source with Vintage A, B, and C coal burning equipment submits semi-annual emission monitoring reports to the Department.</p> <p>Verify that each report is received by the Department within 30 days after the end of the period.</p> <p>Verify that the semi-annual report contains the following information:</p> <ul style="list-style-type: none"> - date of test - reference method used for test - coal burning equipment tested - emissions data obtained by sample number, expressed in pounds nitrogen dioxide emitted per MBtu - arithmetic average of sample data, expressed in pounds nitrogen dioxide emitted per MBtu - any variances from the reference method. <p>Verify that a source with Vintage A, B, and C coal burning equipment submits quarterly reports on the CEMS-based data to the Department for each calendar year.</p> <p>Verify that each report is received by the Department within 45 days after the end of the quarterly period.</p> <p>Verify that the quarterly report for each unit of coal burning equipment contains the following information:</p> <ul style="list-style-type: none"> - hourly and daily averages of the concentrations of nitrogen dioxide (expressed in lb /MBtu) in the gases which are being emitted to the atmosphere, except for periods of instrument calibration and zero adjustments - hourly and daily averages of the percent excess oxygen in the gases coming from the coal burning equipment - hourly and daily average generation output of the coal burning equipment

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	<p>(expressed in MW)</p> <ul style="list-style-type: none"> - daily average heat input into each unit of coal-burning equipment - total nitrogen dioxide discharged per day, on a station-wide basis (expressed in lb/day), measured from midnight to midnight - nitrogen dioxide discharged per day per unit of coal burning equipment, measured from midnight to midnight, expressed as lb/day and the number of hours used to calculate the required limits - the date and time identifying each period during which the CEMS was inoperative except for zero and span checks and the nature of the system repairs or adjustments - identification of the times when daily average emissions data have been obtained by monitoring systems or reference methods other than a CEMS. <p>Verify that the quarterly report for each unit of coal burning equipment also includes identification of the days for which nitrogen dioxide or diluent data have not been obtained by an approved method for at least 18 h of operation of the facility, the justification for not obtaining sufficient data, and a description of the corrective actions taken.</p> <p>Verify that the quarterly report for each unit of coal burning equipment includes the following:</p> <ul style="list-style-type: none"> - identification of times when the nitrogen dioxide concentration (as measured by the CEMS) exceeded the full span of the CEMS - a report of emissions in excess of 335,000 lb/day, the magnitude of the excess emissions, and the time period when the excess emissions occurred - specific identification of each period of emissions in excess of 335,000 lb/day that occurred during startup, shutdowns, and malfunctions of the affected facility, including the nature and causes of any malfunctions, and the corrective actions or preventative measures taken - description of any modifications to the CEMS that could affect its ability to comply with the Department's operating specifications.
AE.15.10.NM. Gas-burning equipment must satisfy nitrogen dioxide emission requirements (20.2.33.108 NMAC) [Citation Revised August 1998; Citation Revised September 2003; Citation Revised March 2007].	<p>Verify that new gas-burning equipment (constructed or modified after 17 February 1972) having a heat input of greater than 1,000,000 MBtu per year per unit does not emit nitrogen dioxide into the atmosphere in excess of 0.2 lb/MBtu of heat input.</p> <p>Verify that existing gas-burning equipment (constructed or modified prior to 17 February 1972) having a heat input of greater than 1,000,000 MBtu per year per unit does not emit nitrogen dioxide into the atmosphere in excess of 0.3 lb/MBtu of heat input.</p>
AE.15.11.NM. Oil-burning equipment must comply with	<p>Verify that new oil-burning equipment (constructed after 17 August 1971) having a rated heat capacity of greater than 250 MBtu/h per unit does not emit particulate</p>

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<p>particulate matter emission requirements (20.2.18.109, 20.2.18.110, and 20.2.18.111 NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2007].</p>	<p>matter into the atmosphere in excess of 0.03 lb/MBtu of heat input.</p> <p>Verify that new oil-burning equipment having a rated heat capacity of greater than 250 MBtu/h per unit does not release visible emissions in excess of opacity of 20 percent.</p> <p>Verify that existing oil-burning equipment (constructed prior to 17 August 1971) having a rated heat capacity greater than 250 MBtu/h per unit does not emit particulate matter into the atmosphere:</p> <ul style="list-style-type: none"> - in excess of 0.05 lb/MBtu of heat input from equipment used to generate steam or electrical power for other than onsite use - in excess of 0.10 lb/MBtu from equipment used to generate steam or electrical power for onsite use only and constructed on or after 1 January 1950 - in excess of 0.20 lb/MBtu of heat input from equipment used to generate steam or electrical power for onsite use only and constructed before 1 January 1950. <p>(NOTE: Existing oil burning equipment also includes any gas burning equipment that is converted to burn oil for energy considerations if the gas burning equipment was fully constructed and operational on 21 January 1979.)</p> <p>Verify that visible emissions resulting from light off of new flames, blowing tubes and flues, or changing fuels while operating do not exceed 27 percent opacity for a period or periods aggregating not more than 6 minutes in any 60-min. period.</p>
<p>AE.15.12.NM. Oil-burning equipment must satisfy nitrogen dioxide emission requirements (20.2.34.108 NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2007].</p>	<p>Verify that oil-burning equipment having a heat input of greater than 1,000,000 MBtu per year per unit does not emit nitrogen dioxide into the atmosphere in excess of 0.3 lb/MBtu of heat input.</p>
<p>AE.15.13.NM. The operation of woodwaste burners must comply with specific requirements (20.2.10.109, 20.2.10.110, 20.2.19.111(C) NMAC) [Revised August 1998].</p>	<p>Verify that emissions from a woodwaste burner have opacity of less than 20 percent.</p> <p>Verify that exhaust gases from a woodwaste burner operating during nighttime hours are at least 750 degrees F.</p> <p>(NOTE: This requirement does not apply if the owner/operator of the woodwaste burner operating at night can demonstrate to the satisfaction of the Department</p>

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	<p>that a lower temperature can achieve opacity of 20 percent or less.)</p> <p>(NOTE: This requirement for exhaust gas does not apply during the first 60-min of the daily operation of a woodwaste burner.)</p> <p>Verify that, during the daily burn down period, emissions from a woodwaste burner have opacity of less than 40 percent.</p> <p>Verify that a woodwaste burner is equipped with a Department-approved system to continuously measure and record the temperature of exiting gases.</p> <p>(NOTE: This requirement does not apply to certified “contingency-use woodwaste burners”.)</p> <p>Verify that the emissions from a certified “contingency-use woodwaste burner” have an opacity of less than 40 percent.</p> <p>Verify that the owner or operator of a woodwaste burner retains such records, showing the date of recordings, for a period of 6 months from the date of each day's recordings.</p> <p>Verify that such records are made available to the Department upon request.</p>

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<p>MEDICAL WASTE INCINERATORS</p> <p>AE.30. General</p> <p>AE.30.1.NM. Biomedical waste combustion units must comply with general requirements (20.2.63.200 and 20.2.63.201 NMAC) [Revised August 1998; Citation Revised September 2003; Revised March 2008].</p> <p>AE.30.2.NM. Biomedical waste combustion units must comply with emission limits (20.2.63.200 and 20.2.63.202 NMAC) [Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p>	<p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that no one combusts biomedical waste in a single chamber combustion unit.</p> <p>Verify that all single chamber combustion units are taken out of service and removed from the facility.</p> <p>Verify that no one combust material marked with radiation symbols as required by 20 NMAC 3.1 20.3.1 NMAC] -- Radiation Protection Regulations, or material having a radioactivity level greater than background, in a combustion unit subject to this Part [20.2.63 NMAC].</p> <p>Verify that hazardous waste is not combusted in a combustion unit unless a permit to do so pursuant to the Resource Conservation and Recovery Act has been obtained from the Hazardous Waste Bureau of the Department.</p> <p>(NOTE: Infectious wastes are defined as "special wastes" and as such are subject to 20 NMAC 9.1 [20.9.1 NMAC]-- New Mexico Solid Waste Management Regulation, see New Mexico SO.105 through SO.125.)</p> <p>Verify that any biomedical waste combustion unit located at a facility with a total charging capacity of 50 tons per day or more or which accepts off-site municipal solid waste from a non-generator of biomedical waste meets the requirements of Part 62 [20.2.62 NMAC]-- Municipal Waste Combustion.</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that the facility does not exceed the emission limits in Appendix 1-9.</p> <p>Verify that compliance with the emission limit for carbon monoxide (CO), for units required to have continuous CO monitoring, is determined by continuous emission monitor measurements as calculated in the form of 4-hour block averages.</p>

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	<p>Verify that, for units not equipped with continuous CO monitoring equipment compliance is determined by manual tests conducted in accordance with Sections 700 and 701 [Subsections A and B of 20.2.63.700 NMAC].</p> <p>Verify that compliance with the emission limits for particulate matter, sulfur dioxide, nitrogen dioxide, hydrogen chloride, P CDD/PCDF, and metals is determined by manual tests conducted in accordance with Sections 700 and 701 (Subsections A and B of 20.2.63.700 NMAC).</p> <p>Verify that, for metals, the percent removal is calculated as the percent difference between the measured concentrations at the inlet and outlet of the air pollution control system.</p> <p>(NOTE: As surrogate for compliance with metals removal efficiency requirements, the owner or operator may comply with an emission limitation for cadmium (Cd) of 50 micrograms per kilogram of waste combusted. The emission limit for cadmium cannot be used as surrogate for mercury.)</p> <p>Verify that, for compliance with the opacity in Appendix 1-9, it is determined by continuous emission monitor measurements and 40 CFR Part 60, Appendix A, Method 9 as calculated in the form of 6-minute averages.</p> <p>(NOTE: The owner or operator of a biomedical waste combustion unit located at a facility with a total charging capacity of up to 400 pounds per hour may obtain a written exemption from the Air Quality Bureau from the applicable emission limits in Appendix 1-9 and may obtain a written exemption from the Air Quality Bureau from emission monitoring requirements.)</p>
AE.30.3.NM. [Moved March 2006].	(NOTE: Moved to AE.32.1.NM., March 2006.)
AE.30.4.NM. Biomedical waste combustion units must comply with design and operating requirements (20.2.63.200(A), 20.2.63.203 NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised March 2008].	<p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that the facility does not manually charge the primary combustion chamber through doors open to the atmosphere while the unit is operating.</p> <p>Verify that charging of waste for units other than batch units is by mechanical means that prevents upsets in the burn cycle.</p> <p>Verify that during shutdown the combustion unit continues to meet applicable emission limitations and the secondary combustion temperature is maintained at least 1800 degrees F until the waste is completely combusted.</p>

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	<p>Verify that in combustion units utilizing control devices to comply with emission limits, the flue gas temperature at the outlet of the final control device does not exceed 300 degrees F.</p> <p>(NOTE: This flue gas temperature requirement does not apply if it can be demonstrated that an equivalent collection (removal) of heavy metals and toxic organics can be achieved at a higher temperature or through the use of alternate technologies.)</p> <p>Verify that all combustion units are equipped with a secondary combustion chamber that provides for turbulent mixing by ensuring that the air being supplied to the combustion zone has sufficient momentum to penetrate the combustion gases.</p> <p>Verify that the secondary combustion chamber provides 1 second of residence time.</p> <p>Verify that the primary combustion chamber temperature is maintained at least 1400 degrees F.</p> <p>Verify that the secondary combustion chamber temperature is maintained at least 1800 degrees F.</p> <p>Verify that the auxiliary burners provide are designed to provide the combustion chamber temperatures without the assistance of the heat content of the waste.</p> <p>Verify that batch charged units are equipped with a lockout mechanism to prevent charging after startup.</p> <p>Verify that automatic charging systems are equipped with a sealed feeding device capable of preventing combustion upsets during charging.</p> <p>Verify that, for batch charged units, waste is not ignited until the secondary chamber exit temperature is established and holding at 1800 degrees F for at least 15 min.</p> <p>Verify that interlocks prevent opening the charging door after ignition and until the burn-down and cool down periods are complete.</p> <p>Verify that, for continually charged combustion units, the charging of waste automatically ceases through the use of an interlock system if:</p> <ul style="list-style-type: none"> - the combustion unit's secondary chamber temperature drops below 1800 °F for any continuous 15-min period - the carbon monoxide emissions are equal to or greater than 50 ppm by volume, corrected to 7 percent oxygen on a dry basis for any continuous 15-min period.

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AE.30.5.NM. Biomedical waste combustion units must comply with monitoring and emission testing requirements (20.2.63.200(A), 20.2.63.204, and 20.2.63.205 NMAC) [Revised August 1998; Citation Revised September 2003; Revised March 2008].	Verify that exhaust stack requirements comply with good engineering practice. (NOTE: Good engineering practice is defined as the greater of the following: - $HG = H + 1.5L$, where HG = stack height measured from the ground level elevation at the base of the stack, H = the height of nearby structures measured from the ground level elevation at the base of the stack, and L = lesser dimension, height or projected width, of nearby structures - the height demonstrated by a Department approved fluid model or field study that ensures that emissions from a stack do not result in excessive concentrations of any air pollutant.)
	(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.) Verify that continuous emission monitors are installed, calibrated, maintained, and operated, and continuously record data for the following: <ul style="list-style-type: none"> - for biomedical waste combustion units located at a facility with a total charging rate of 1000 pounds per hour or greater <ul style="list-style-type: none"> - carbon monoxide (CO) - oxygen (O₂) - opacity (alternative apparatus may be approved by the Department) - for biomedical waste combustion units located at a facility with a total charging capacity of less than 1000 pounds per hour <ul style="list-style-type: none"> - oxygen (O₂) - carbon monoxide (CO).
	Verify that the owner or operator of any combustion unit installs, calibrates, maintains, operates, and continuously records the temperature of gases leaving the primary and secondary combustion chambers and the outlet of the final air pollution control device, where present.
	Verify that the monitors have an accuracy of ± 0.75 percent of the temperature being measured expressed in degrees Celsius ($^{\circ}\text{C}$) or $\pm 2.5^{\circ}\text{C}$, whichever is greater.
	Verify that sensors are located such that flames from the burners do not impinge on the sensors.
	Verify that, at least 90 days prior to initial startup, the owner or operator submits a report to the Department which describes, for each monitor, the location, specifications, procedures for calibration, operation, maintenance, data evaluation, and reporting.
	Verify that the continuous emission monitors that measure oxygen (O ₂) and carbon monoxide (CO) complete a minimum of one cycle of operation for each

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	<p>successive 15-minute period.</p> <p>(NOTE: One-hour averages shall be calculated from four (4) or more data points equally spaced over each one-hour period.)</p> <p>Verify that a continuous emission monitor that measures opacity completes a minimum of one cycle of operation for each successive ten-second period and that 6-minute averages are calculated from 36 or more data points equally spaced over each six-minute period.</p> <p>(NOTE: Data recorded during periods of continuous emission monitor breakdown, repairs, calibration checks, and zero and span adjustments shall not be included in calculated data averages.)</p> <p>Verify that emission data is obtained from each continuous emission monitor which represents a minimum of 75 percent of all operational hours for each 24 hour period beginning at 12 midnight.</p> <p>(NOTE: Failure to meet the 75 percent data capture requirement of this section shall cause the combustion unit to be shutdown.)</p> <p>Verify that the owner or operator ensures each continuous emission monitor meets the requirements of 40 CFR Part 60, Appendix F -- Quality Assurance Procedures and submits to the Department all reports specified by subject requirements.</p> <p>Verify that the required reports are submitted quarterly.</p> <p>(NOTE: Whenever a required continuous emission monitor cannot meet the data capture requirement of Section 600.G and the owner or operator does not obtain the required data from an alternate monitor or test method, the combustion unit shall cease operation for the time necessary to comply with Section 600.G of 20.2.63.600 NMAC.)</p> <p>Verify that, during or within 30 days of the required emission tests, the owner or operator conducts a performance evaluation of each continuous emissions monitor in accordance with the procedures of 40 CFR Part 60, Appendix B -- Performance Specifications.</p> <p>Verify that the performance evaluation is repeated on an annual basis or after any major equipment malfunction which requires component replacement, or at additional times when the Department has reason to believe the monitor performance is inadequate.</p> <p>Verify that the owner or operator provides at least 30 days prior notice to the Department before conducting any performance evaluation.</p> <p>Verify that a written report of each performance evaluation is furnished to the Department within 30 days from the end of the test period.</p>

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	<p>Verify that, within 60 days of first achieving the maximum charging rate, but not more than 180 days from the date of initial startup, the first annual performance test is conducted.</p> <p>Verify that the owner or operator of any biomedical waste combustion unit that has a charging capacity of less than 200 pounds per hour conducts an annual performance test to demonstrate compliance with the emissions standards for particulate matter (PM), carbon monoxide (CO) and hydrogen chloride (HCl).</p> <p>Verify that the owner or operator of any biomedical waste combustion unit located at a facility with a total charging capacity of 200 pounds per hour or greater conducts a performance test to demonstrate compliance with the standards for particulate matter (PM), carbon monoxide (CO), hydrogen chloride (HCl), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), total trace-through organo-chlorinated dibenzo-para-dioxins and dibenzofurans (PCDD/PCDF), and the following metals:</p> <ul style="list-style-type: none"> - arsenic and compounds (expressed as arsenic) - beryllium and compounds (expressed as beryllium) - cadmium and compounds (expressed as cadmium) - chromium and compounds (expressed as chromium) - lead and compounds (expressed as lead) - mercury and compounds (expressed as mercury). <p>Verify that notice of the test date and a copy of the test protocol are submitted to the Department at least 30 days prior to the actual test date.</p>
AE.30.6.NM. [Moved March 2006].	(NOTE: Moved to AE.32.2.NM., March 2006.)
AE.30.7.NM. [Moved March 2006].	(NOTE: Moved to AE.32.3.NM., March 2006.)
AE.30.8.NM. [Moved March 2006].	(NOTE: Moved to AE.34.1.NM., March 2006.)
AE.30.9.NM. [Moved March 2006].	(NOTE: Moved to AE.34.2.NM., March 2006.)

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AE.30.10.NM. [Moved March 2006]. AE.30.11.NM. Biomedical waste combustion units must comply with reporting upset condition procedures (20.2.63.200(A) and 20.2.63.206 NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised March 2008].	<p>(NOTE: Moved to AE.34.3.NM., March 2006.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>(NOTE: The provisions of AE.7.2.NM. (20.2.7 NMAC, Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance) do not apply to biomedical waste combustion units.)</p> <p>Verify that a report containing the following information is submitted to the Department within thirty (30) days from the end of each calendar quarter:</p> <ul style="list-style-type: none"> - hourly average charging rate to each combustion unit - 30 minute average temperature of the primary chamber, the secondary chamber, and the outlet from the final air pollution control device - the hourly and 4-hour average concentration in mg/dscm corrected to 7 percent O₂ of carbon monoxide (CO) as measured by continuous emission monitors - the hourly average percent oxygen (O₂) and 6-minute average opacity as measured by continuous emission monitors - the percent data capture for each 24-hour period for each continuous emission monitor - the identification of all periods of startup, shutdown, and excess emissions - the reason for any excess emissions and the corrective action taken. <p>Verify that records are maintained for a period of 3 years from the date created by the owner or operator for all parameters in Section 800 and are made available upon request for inspection and copying by the Department during operating hours.</p> <p>Verify that, when the combustion temperature requirements or an emission limit for which compliance is based on continuous emission monitoring are exceeded, the operator takes the following actions:</p> <ul style="list-style-type: none"> - cuts off waste charging to the combustion unit - notifies the Department verbally of the exceedance within 4 hours of its occurrence or prior to 12 noon of the next business day should the exceedance occur during nonbusiness hours - notes in the operating record the time and date of the exceedance, when the shutdown began, and when the shutdown was complete - identifies and corrects the cause of the upset condition before resuming operation of the unit - notes in the operating record the corrective action taken and the date and time of the startup.

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<p>AE.30.12.NM. Operators of biomedical waste combustion units must comply with specific training requirements (20.2.63.200(A) and 20.2.63.208 NMAC) [Revised August 1998; Citation Revised September 2003 ; Revised March 2006; Revised March 2008].</p>	<p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that a trained combustion unit operator is present whenever waste is combusted.</p> <p>Verify that a trained combustion unit operator controls the operation of the combustion unit during performance testing.</p> <p>Verify that all combustion unit operators or their immediate supervisor on site have completed a Department-approved course of training.</p> <p>Verify that the program of study for operator training includes the following:</p> <ul style="list-style-type: none"> - proper waste handling - identification of waste types acceptable for combustion - combustion unit design and waste combustion theory - proper combustion unit startup, operation, shutdown, and maintenance procedures - work safety procedures, including infectious disease control procedures for the facility - applicable air pollution, solid waste, and wastewater management regulations - air pollution control equipment operation and maintenance - a minimum of 2 burn cycles of hands-on combustion unit operation under the supervision of another trained operator or the combustion unit manufacturer's representative. <p>Verify that all operators complete an annual training review lasting at least 8 h.</p> <p>Verify that the content of the annual review is approved by the Department.</p> <p>Verify that every operator has posted or filed in the work area of the facility the visible proof of completion of the required initial training and annual review.</p> <p>(NOTE: Upon completion of the development of a training course by the American Society of Mechanical Engineers (ASME) that is specific to biomedical waste combustion units, 20.2.63 NMAC, Section 1000(B) will be superseded and the ASME course will be required.)</p>
<p>AE.30.13.NM. The management of ash from biomedical waste combustion units must comply with specific requirements</p>	<p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that fly ash and bottom ash are handled and stored in a closed system that</p>

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<p>(20.2.63.200 (A) and 20.2.63.207 (A) (1), (B), (C) NMAC) [Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p> <p>AE.30.14.NM. Transporters of biomedical waste combustion (BWC) ash must comply with specific requirements (20.2.63.200 (A) and 20. 2.63.207 (A) (2) and (B) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p>	<p>prevents the ash from becoming airborne.</p> <p>Verify that the handling, storage, and transportation of fly ash and bottom ash do not result in a release to the atmosphere exceeding 0 percent opacity.</p> <p>Verify that disposal of fly ash and bottom ash is compliance with the applicable requirements of 20 N MAC 9.1 [20.9.1 N MAC]-- New Mexico Solid Waste Management Regulation (see SO.92.)</p> <p>(NOTE: Compliance with this requirement must be determined by visual observation as specified in 40 CFR Part 60, Appendix A, Method 9.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that transporters accept or transport only that BWC ash that has been treated or is securely covered to prevent release of fugitive dust.</p> <p>Verify that transporters of BWC cover their vehicles to prevent fugitive dust loss during transport.</p> <p>Verify that transporters of BWC line or seal vehicles to prevent the leakage of liquids or fugitive dust during transport.</p> <p>Verify that the transportation of fly ash and bottom ash does not result in a release to the atmosphere exceeding 0 percent opacity.</p>

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MEDICAL WASTE INCINERATORS AE.32. Monitoring AE.32.1.NM. Biomedical waste combustion units must comply with emission monitoring requirements (20.2.63.200 (A), 20.2.63.600 (A) and (B) NMAC) [Revised August 1998; Citation Revised September 2003].	<p>(NOTE: Moved from AE.30.3.NM., March 2006.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that a biomedical waste combustion unit located at a facility with a total charging rate of 1000 lb/h or greater has continuous emission monitors (CEMs) that continuously record data for carbon monoxide (CO), oxygen (O₂), and opacity.</p> <p>Verify that a biomedical waste combustion unit located at a facility with a total charging rate of less than 1000 lb/h has CEMs that continuously record data for CO and O₂.</p> <p>Verify that the facility continuously records the temperatures of gases leaving the primary and secondary combustion chambers and the outlet of the final pollution control device.</p> <p>Verify that the temperature monitors are accurate to within plus or minus 0.75 percent of the temperature being measured or plus or minus 2.5 degrees C, whichever is greater.</p> <p>Verify that flames from the burners do not impinge on the sensors.</p> <p>Verify that at least 90 days prior to initial startup the facility submits a report to the Department that describes for each monitor the location, specifications, procedures for calibration, operation, maintenance, data evaluation, and reporting.</p> <p>Verify that the monitoring equipment is not installed prior to Department approval of the report.</p> <p>Verify that for CEMs measuring O₂ and CO:</p> <ul style="list-style-type: none"> - a minimum of one cycle of operation is completed for each successive 15-min period - 1-h averages are calculated from 4 or more data points equally spaced over each 1-h period. <p>Verify that for the CEM measuring opacity:</p> <ul style="list-style-type: none"> - a minimum of one cycle of operation is completed for each successive 10-s

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<p>AE.32.2.NM. Biomedical waste combustion units must comply with performance evaluation requirements (20.2.63.200 (A) and 20.2.63.600 (C) NMAC) [Revised August 1998; Citation Revised September 2003].</p>	<p>period - 6-min averages are calculated from 36 or more data points equally spaced over each 6-min period.</p> <p>Verify that emission data are obtained from each continuous CEM that represents a minimum of 75 percent of all operational hours for each 24-h period beginning at 12 midnights.</p> <p>Verify that the CEM meets the requirements of 40 CFR 60, Appendix F.</p> <p>Verify that when a CEM malfunctions the combustion unit is shutdown until the facility is in compliance with the data capture requirement.</p> <p>(NOTE: Moved from AE.30.6.NM., March 2006.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that, during or within 30 days of emission testing, the facility conducts a performance evaluation of each continuous emissions monitor in accordance with the procedures of 40 CFR 60, Appendix B - Performance Specifications.</p> <p>Verify that the performance evaluation is repeated on an annual basis or after any major equipment malfunction that requires component replacement, or at additional times when the Department has reason to believe the monitor performance is inadequate.</p> <p>Verify that the facility provides 30 days prior notice to the Department before conducting a performance evaluation.</p> <p>Verify that the facility furnishes a written report of each performance evaluation to the Department within 30 days from the end of the test period.</p>
<p>AE.32.3.NM. Biomedical waste combustion units must comply with emission testing requirements (20.2.63.200(A) and 20.2.63.700(A) NMAC) [Revised August 1998; Citation Revised September 2003].</p>	<p>(NOTE: Moved from AE.30.7.NM., March 2006.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that the first annual performance test is conducted within 60 days of first achieving the maximum charging rate, but not more than 180 days after initial startup.</p> <p>Verify that a biomedical waste combustion unit with a charging capacity of less</p>

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	<p>than 200 lb/h conducts an annual performance test to demonstrate compliance with emission standards for particulate matter, carbon monoxide, and hydrogen chloride.</p> <p>Verify that the initial performance tests for combustion units with a charging capacity of less than 200 lb/h includes PCDD/PCDF and the following metals:</p> <ul style="list-style-type: none"> - arsenic and compounds - beryllium and compounds - cadmium and compounds - chromium and compounds - lead and compounds - mercury and compounds. <p>Verify that a Biomedical waste combustion units located at a facility with a total charging capacity of 200 lb/h or greater conducts an annual performance test to demonstrate compliance with emission standards for particulate matter, carbon monoxide, hydrogen chloride, sulfur dioxide, nitrogen dioxide, PCDD/PCDF and the following metals:</p> <ul style="list-style-type: none"> - arsenic and compounds - beryllium and compounds - cadmium and compounds - chromium and compounds - lead and compounds - mercury and compounds. <p>(NOTE: The owner or operator may apply to the Department for a waiver of annual testing for a specific pollutant where performance testing has consistently shown emission rates for that pollutant which are less than those required in Appendix 1-9, but in no case may any required test be conducted less than once in every 3 years.)</p> <p>Verify that all performance testing is conducted at the design charging capacity while using waste that is representative of the normal operation of the combustion unit.</p>

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<p>MEDICAL WASTE INCINERATORS</p> <p>AE.34. Reporting/Recordkeeping Requirements</p> <p>AE.34.1.NM. Biomedical waste combustion units must follow emission testing procedures (20.2.63.200(A) and 20.2.63.700(B) NMAC) [Revised August 1998; Revised September 2003].</p>	<p>(NOTE: Moved from AE.30.8.NM., March 2006.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that notice of the test date and a copy of the test protocol are submitted to the Department at least 30 days prior to the test date.</p> <p>Verify that a written copy of all test results is furnished to the Department within 60 days from the test date.</p> <p>Verify that emission tests are conducted utilizing the following methods:</p> <ul style="list-style-type: none"> - for total particulate matter, 40 CFR 60, Appendix A, Methods 1-5 - for PCDD/PCDF, 40 CFR 60, Appendix A, Method 23 - for cadmium, chromium, and lead, 40 CFR 60, Appendix A, Methods 1-4 and 12 - for arsenic, 40 CFR 61, Appendix B, Method 108 - for beryllium, 40 CFR 61, Appendix B, Method 104 - for mercury, 40 CFR 61, Appendix B, Method 101A - for opacity 40 CFR 60, Appendix A, Method 9 - for cadmium (as surrogate), California Air Resources Board (CARB) ARB Method 424 - for carbon monoxide, 40 CFR 60, Appendix A, Method 10 - for sulfur dioxide, 40 CFR 60, Appendix A, Method 6 - for nitrogen oxide, 40 CFR 60, Appendix A, Method 7 - for hydrogen chloride, 40 CFR 60, Appendix A, Method 26. <p>(NOTE: The owner or operator may use test methods other than above if the Department has approved the alternate test method prior to the test date. The Department must rule on proposed alternate test method acceptability within 30 days of receipt of proposal.)</p>
<p>AE.34.2.NM. Biomedical waste combustion units must comply with reporting requirements (20.2.63.200(A) and 20.2.63.800(A) NMAC)</p>	<p>(NOTE: Moved from AE.30.9.NM., March 2006.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These</p>

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<p>[Citation Revised September 2003].</p> <p>AE.34.3.NM. Biomedical waste combustion units must comply with recordkeeping requirements (20.2.63.200(A) and 20. 2.63.800(B) N MAC) [Revised August 1998; Citation Revised September 2003].</p>	<p>requirements do not apply to crematory incinerators.)</p> <p>Verify that the facility submits a report to the Department within 30 days from the end of each calendar quarter.</p> <p>Verify that the quarterly report includes the following information:</p> <ul style="list-style-type: none"> - the hourly average charging rate to each combustion unit - the 30 minute average temperature of the primary chamber, secondary chamber, and the outlet from the final air pollution control device - the hourly and 4-h average concentrations in mg/dscm corrected to 7 percent oxygen of carbon monoxide as measured by continuous emission monitors (CEMs) - the hourly average percent oxygen and 6-min average opacity as measured by CEMs - the percent data capture for each 24-h period for each CEM - the identification of all periods of startup, shutdown, and excess emissions - the reason for any excess emissions and the corrective action taken. <p>(NOTE: Moved from AE.30.10.NM., March 2006.)</p> <p>(NOTE: These requirements apply to biomedical waste combustion units located at a facility with a total charging capacity of less than 50 tons per day. These requirements do not apply to crematory incinerators.)</p> <p>Verify that the facility maintains any records required by the state for 3 yr from the date of their creation.</p>

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<p>AE.35.</p> <p>MUNICIPAL WASTE COMBUSTORS</p> <p>AE.35.1.NM. Municipal waste combustion units must comply with emission limits (20.2.62.210 NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2008].</p> <p>AE.35.2.NM. Municipal waste combustion units must comply with design and operation requirements (20.2.62.202 NMAC) [Revised August 1998; Revised September 2003 ; Citation Revised March 2008].</p>	<p>Verify that a municipal waste combustion unit complies with the emission limits listed in Appendix 1-10.</p> <p>Verify that compliance with emission limits for sulfur dioxide and nitrogen dioxide are determined by continuous emission monitor (CEM) measurements calculated in the form of 24-h daily averages.</p> <p>Verify that compliance with the emission limit for carbon monoxide is determined by CEM measurements as calculated in the form of 4 -h block averages.</p> <p>Verify that compliance with the emission limit for particulate matter, PCDD/PCDF, total hydrocarbon, hydrogen chloride, and metals is determined by manual tests conducted in accordance with state requirements.</p> <p>Verify that, for metals, the percent removal is calculated as the percent difference between the measured air concentrations at the inlet and outlet of the air pollution control system.</p> <p>Verify that the opacity limit is determined by CEM measurements, and 40 CFR 60, Appendix A, Method 9, calculated in the form of 6-min averages.</p> <p>Verify that combustion temperature is a minimum of 1800 degrees F for a 30-min averaging period.</p> <p>Verify that flue gas temperature is a maximum of 300 degrees F for a 30-min averaging period.</p> <p>Verify that combustion gases are retained for at least 1.0 seconds at the required combustion temperature at a location beyond the secondary air injection port.</p> <p>(NOTE: The Department may specify an alternative location for flue gas residence time if such location better represents the fully mixed height of the incinerator.)</p> <p>(NOTE: The Department may approve a combustion unit design that does not have a minimum temperature of 1800 degrees F and a residence time of at least 1.0 seconds if it determines the proposed design will achieve a combustion efficiency equivalent to or greater than a unit meeting the requirements.)</p>

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<p>AE.35.3.NM. Municipal waste combustion units must comply with emission monitoring requirements (20.2.62.203 (A) NMAC) [Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>Verify that auxiliary burners are installed that can supply at least 60 percent of the maximum rated heat capacity of the combustion unit.</p> <p>Verify that the auxiliary burners are capable of meeting the required combustion temperature during periods of startup, shutdown, and malfunction.</p> <p>Verify that municipal waste is not burned in an amount outside the range of 80 to 100 percent of the hourly design-rated capacity of the combustion unit.</p> <p>Verify that the municipal waste combustion unit has automatic waste feed cutoff mechanisms which stop waste feed to the unit if a CEM records an exceedance of any emission limit in Appendix 1-10 or the temperature requirements.</p> <p>Verify that a facility with a municipal waste combustion unit has continuous emission monitors (CEMs) that continuously record data for oxygen, carbon monoxide, sulfur dioxide, nitrogen dioxide, and opacity.</p> <p>Verify that at least 45 days prior to initial startup, the owner or operator submits a report to the Department describing for each monitor the location, specifications, procedures for calibration, operation, maintenance, data evaluation, and reporting.</p> <p>Verify that monitoring equipment is not installed until the Department approves the report.</p> <p>Verify that the CEMs measuring oxygen, carbon monoxide, sulfur dioxide, and nitrogen dioxide complete a minimum of one cycle of operation for each successive 15-min period so that 1-h averages are calculated from 4 or more data points equally spaced over each 1-h period.</p> <p>Verify that the CEM measuring opacity completes a minimum of one cycle of operation for each successive 10-s period so that 6-min averages are calculated from 36 or more data points equally spaced over each 6-min period.</p> <p>Verify that emission data are obtained from each CEM that represents a minimum of 75 percent of all operational hours for each 24-h period beginning at 12 midnight.</p> <p>Verify that the facility ensures that each CEM meets the requirements of 40 CFR 60, Appendix F, Quality Assurance Procedures and submits all specified reports to the Department.</p>
<p>AE.35.4.NM. Municipal waste combustion units must comply with performance</p>	<p>Verify that, within 30 days of the required initial emission tests, the facility conducts a performance evaluation of each CEM in accordance with the</p>

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<p>evaluation requirements (20.2.62.203(B) NMAC) [Revised August 1998; Revised September 2003; Citation Revised March 2008].</p> <p>AE.35.5.NM. Municipal waste combustion units must comply with emission testing requirements (20.2.62.204 NMAC) [Revised August 1998; Revised September 2003; Citation Revised March 2008].</p> <p>AE.35.6.NM. Municipal waste combustion units must comply with temperature monitoring requirements</p>	<p>procedures of 40 CFR 60, Appendix B, Performance Specifications.</p> <p>Verify that the performance evaluations are repeated annually or as specified by the Department.</p> <p>Verify that the facility provides 30 days prior notice to the Department before conducting a performance evaluation.</p> <p>Verify that the facility furnishes a written report to the Department of each performance evaluation within 30 days from the end of the test period.</p> <p>Verify that emission testing is conducted quarterly for total particulate matter, fine particulate matter, total hydrocarbon, PCDD/PCDF, hydrogen chloride, and all metals listed in Appendix 1-10.</p> <p>Verify that within 60 days of first achieving the maximum firing rate for the municipal waste combustion unit, but not more than 180 days from the date of initial startup, the facility conducts the first quarterly emission tests of the combustion unit.</p> <p>Verify that notice of the test date and a copy of the test protocol are given to the Department at least 30 days prior to the test date.</p> <p>Verify that a written copy of all test results is furnished to the Department within 90 days from the test date.</p> <p>Verify that emission tests are conducted utilizing the following methods:</p> <ul style="list-style-type: none"> - for total particulate matter, 40 CFR 60, Appendix A, Method 5 - for fine particulate matter, CARB Method 501 - for PCDD/PCDF, 40 CFR 60, Appendix A, Method 23 - for total hydrocarbon, 40 CFR 60, Appendix A, Method 25A - for cadmium, chromium, and lead, 40 CFR 60, Appendix A, Method 12 - for arsenic, 40 CFR 61, Appendix B, Method 108 - for beryllium, 40 CFR 61, Appendix B, Method 104 - for mercury, 40 CFR 61, Appendix B, Method 101A - for hydrogen chloride, 40 CFR 60, Appendix A, Method 26. <p>(NOTE: The owner or operator may utilize other test methods if approved by the Department.)</p> <p>Verify that continuous temperature monitors are installed, calibrated, maintained, and operated at municipal waste combustion units.</p> <p>Verify that the temperature monitors continuously record measurements within 1</p>

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<p>(20.2.62.203 (C) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2008].</p> <p>AE.35.7.NM. Municipal waste combustion units must comply with reporting requirements (20.2.62.205(A) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2008].</p> <p>AE.35.8.NM. Municipal waste combustion units must comply with recordkeeping requirements (20.2.62.205(B) NMAC) [Citation Revised August 1998; Citation Revised September 2003; Citation Revised March 2008].</p> <p>AE.35.9.NM. Municipal waste combustion units must comply with a startup and shutdown procedure (20.2.62.206(A) NMAC) [Citation Revised August 1998; Citation Revised</p>	<p>m of the final secondary air injection port and at the inlet to the particulate matter air pollution control device.</p> <p>Verify that temperature monitors take measurements every 10 s from which 30-min averages are calculated.</p> <p>Verify that the facility submits a report to the Department within 30 days from the end of each calendar quarter.</p> <p>Verify that the report includes the following information:</p> <ul style="list-style-type: none"> - the hourly average waste feed rate to each combustion unit - the 30 min average temperature of the combustion unit and the inlet to the particulate matter control device - the hourly and 24-h average concentrations in mg/dscm corrected to 7 percent oxygen of sulfur dioxide and nitrogen dioxide as measured by continuous emission monitors (CEMs) - the hourly and 4-h average concentrations in mg/dscm corrected to 7 percent oxygen of carbon monoxide as measured by CEMs - the hourly average percent oxygen and 6-min average opacity as measured by CEMs - the percent data capture for each 24-h period for each CEM - the hourly auxiliary fuel use for each combustion unit - the identification of all periods of startup, shutdown, and excess emissions - the reason for any excess emissions and the corrective action taken. <p>Verify that a facility maintains records required by the State for 3 years from the date of their creation.</p> <p>Verify that, during startup, no waste is placed into the combustion unit until the auxiliary burners have achieved a combustion temperature of 1800 degrees F for a 30-min averaging period.</p> <p>Verify that auxiliary burners are used during shutdown to maintain a combustion temperature of 1800 degrees F until the carbon monoxide emission limit can be</p>

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<p>September 2003 ; Citation Revised March 2008].</p> <p>AE.35.10.NM. Municipal waste combustion units must comply with a upset condition procedure (20.2.62.206 (B) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2008].</p> <p>AE.35.11.NM. Municipal waste combustion units must correct a continuous emission monitor malfunction (20.2.62.206 (C) NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised March 2008].</p> <p>AE.35.12.NM. The management of municipal waste combustion ash must</p>	<p>achieved without their use.</p> <p>(NOTE: The provisions of AE.7.2.NM. (20.2.7 NMAC, Excess Emissions During Malfunction, Startup, Shutdown, or Scheduled Maintenance, do not apply to municipal waste combustion units.)</p> <p>Verify that a visual and audible alarm notifies the operator prior to any failure of the system to meet the combustion temperature requirements or an emission limit for which compliance is based on continuous emission monitoring.</p> <p>Verify that the operator implements all reasonable measures to correct the impending upset condition.</p> <p>Verify that, when the combustion temperature requirements or an emission limit for which compliance is based on continuous emission monitoring are exceeded, the operator takes the following actions:</p> <ul style="list-style-type: none"> - cuts-off (automatically) the waste feed to the combustion unit and shuts down the unit - notifies the Department verbally of the exceedance within 4 hours of its occurrence or prior to 12 noon of the next business day should the exceedance occur during nonbusiness hours - notes in the operating record the time and date of the exceedance, when the shutdown began, and when the shutdown was complete - identifies and corrects the cause of the upset condition before resuming operation of the unit - notes in the operating record the corrective action taken and the date and time of the startup. <p>Verify that, when a continuous emission monitor malfunctions, and the owner or operator does not obtain the required data from an alternate monitor or test method, the combustion unit is shutdown until the continuous emission monitor is repaired.</p> <p>Verify that fly ash and bottom ash are handled and stored in a closed system that prevents the ash from becoming airborne.</p>

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<p>comply with specific emission requirements (20.2.62.207 (A), (B), and (C)(3) NMAC) [Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2008].</p> <p>AE.35.13.NM. Transporters of municipal waste combustion ash must comply with specific requirements (20.2.62.207 (C) (1) and (2) NMAC) [Citation Revised August 1998; Citation Revised September 2003; Citation Revised August 2004; Citation Revised March 2007].</p> <p>AE.35.14.NM. [Deleted September 2003].</p> <p>AE.35.15.NM. Municipal waste combustion units must comply with specific training requirements (20.2.62.208 NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2008].</p>	<p>Verify that fly ash and bottom ash released to the atmosphere during handling, storage, and transportation does not exceed 0 percent opacity.</p> <p>Verify that compliance with this opacity emission requirement is determined by visual observation, as specified in 40 CFR Part 60, Appendix A, Method 9.</p> <p>Verify that municipal waste combustion (MWC) ash that is temporarily stored at a generation site awaiting transportation does not emit fugitive dust.</p> <p>Verify that fly ash and bottom ash are transported offsite without the release of any ash to the atmosphere.</p> <p>Verify that transporters accept or transport only that MWC ash which has been treated or is securely covered to prevent release of fugitive dust.</p> <p>Verify that transporters cover their vehicles to prevent fugitive dust loss during transport.</p> <p>Verify that transporters line or seal vehicles to prevent the leakage of liquids or fugitive dust during transport.</p> <p>(NOTE: Regulation revised)</p> <p>Verify that, during operating hours, plant operations are supervised by a certified resource recovery facility operator.</p> <p>Verify that all plant personnel receive adequate training specific to their job function prior to assuming a new position.</p> <p>Verify that the training includes instruction in:</p> <ul style="list-style-type: none"> - operation and maintenance of equipment - response to upset conditions - compliance with applicable environmental regulations and permit conditions. <p>Verify that the facility maintains documentation of the certification of its operators.</p> <p>Verify that the facility maintains a written description of the training program given to plant personnel, and a list of current employees and their job titles.</p>

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<p>AE.35.16.NM. Municipal waste combustion units must comply with materials separation requirements (20.2.62.209 NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p>	<p>Verify that the facility achieves, on an annual basis, an overall 25 percent or greater reduction by weight by separating materials from municipal waste prior to combustion.</p> <p>Verify that the municipal waste percent reduction requirement is met by separation of paper and paper boards, ferrous metals, nonferrous metals, glass, plastics, household batteries, and yard waste.</p> <p>(NOTE: A maximum of 10 percent reduction by weight is to be attributed to separation of yard waste.)</p> <p>(NOTE: The percent reduction requirement may be achieved by mechanical or manual separation techniques, either on or offsite, and may include a community separation program.)</p> <p>Verify that the facility records on a monthly basis the amount by weight of municipal waste combusted.</p> <p>Verify that the facility records on a monthly basis the amount of separated materials by type and weight.</p> <p>Verify that the facility calculates and records the percent reduction in municipal waste combusted by material separation for each month.</p> <p>Verify that the facility submits a report to the Department, by 1 February of each year, containing the monthly and annual average percent reduction calculations and results.</p>
<p>AE.35.17.NM. Municipal waste combustion units must comply with off-site monitoring requirements (20.2.62.212 NMAC) [Citation Revised August 1998; Citation Revised March 2008].</p>	<p>Verify that the owner or operator of a municipal waste combustion unit monitors at the facility boundary, where the population is, and one or more miles beyond the facility in all directions, in order to determine the concentrations of materials being emitted from the incinerator at the points of exposure to the population.</p> <p>Verify that meteorological data are monitored at the stack and in all 4 directions to provide a better basis for surface monitoring.</p>
<p>AE.35.18.NM. [Deleted September 2003].</p>	<p>(NOTE: Regulation revised.)</p>

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<p>AE.80.</p> <p>ACID PRODUCTION UNITS</p> <p>AE.80.1.NM. Sulfuric acid production units must comply with emission limitations (20.2.40.108 and 20.2.40.110 NMAC) [Citation Revised August 1998; Revised September 2003].</p> <p>AE.80.2.NM. Sulfuric acid production units must comply with monitoring requirements (20.2.40.111 NMAC) [Revised August 1998; Revised September 2003].</p>	<p>Verify that a sulfuric acid production unit located in the Pecos-Permian Basin Intrastate Air Quality Control Region limits sulfur dioxide emissions to the atmosphere to 575 lb/h, with a minimum stack height of 40 m, or acid mist emissions to 0.5 lb per ton of sulfuric acid produced.</p> <p>Verify that a new existing sulfuric acid production unit located outside the Pecos-Permian Basin Intrastate Air Quality Control Region limits sulfur dioxide emissions to the atmosphere to 680 lb/h or acid mist emissions to 0.5 lb per ton of sulfuric acid produced.</p> <p>Verify that opacity of visible emissions from an existing sulfuric acid production unit is determined by the method set forth by the US EPA in 40 CFR Part 60, Appendix A, Method 9 or any other equivalent method receiving prior approval from the Department and the US EPA.</p> <p>Verify that the time period for taking opacity readings is a minimum of 6-min.</p> <p>Verify that an existing sulfuric acid production unit maintains in good operating condition and monitor that continuously measures and records the sulfur dioxide concentrations in the gases within the stack from which the gases are emitted to the atmosphere.</p> <p>Verify that the sampling point for monitoring emissions and the method for determining volumetric flow rate of the gases is approved by the Department.</p> <p>(NOTE: Instruments and sampling systems installed and used pursuant to this requirement must be calibrated in accordance with the methods prescribed by the manufacturers recommended zero adjustment and calibration check procedures at least once every 24 hours of operation, unless the manufacturer specifies or recommends more frequent calibration checks.)</p> <p>Verify that the owner or operator of a sulfuric acid production unit retains for a period of 2 years all raw data and quality assurance measurements and procedures.</p> <p>Verify that the instruments and sampling systems installed and used pursuant to this requirement are installed, operated and maintained in accordance with the performance specifications and other requirements set forth by the US EPA in 40 CFR Section 60.84.</p> <p>Verify that the continuous emission monitoring system completes a minimum of</p>

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AE.80.3.NM. Sulfuric acid production units must comply with reporting requirements (20.2.40.112 NMAC) [Added September 2003].	<p>one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.</p> <p>Verify that in the event that significant repair work is performed on the monitoring system, the owner or operator of a sulfuric acid production unit demonstrates to the Department that the system continues to meet applicable performance specifications.</p> <p>Verify that the owner or operator of an existing sulfuric acid production unit submits quarterly reports to the Department for the periods January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31 of each year.</p> <p>Verify that each report is received by the Department within 45 days of the end of the quarterly period.</p> <p>Verify that the quarterly report contains:</p> <ul style="list-style-type: none"> - for each day that the plant is operating, the maximum 3 -hour integrated average sulfur dioxide emissions, expressed in terms of lb/h of sulfur dioxide - all 3-h periods during which the integrated average sulfur dioxide emissions exceed the sulfur dioxide emission limit.

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AE.130. OPEN BURNING AE.130.1.NM. Open burning must be permitted (20.2.60.108 and 20.2.60.109 NMAC) [Revised August 1998; Revised September 2003; Revised August 2004]. AE.130.2.NM. Open burning of household waste must comply with specific requirements (20.2.60.110 NMAC) [Added August 2004; Revised March 2006]. AE.130.3.NM. Open burning of vegetative material must comply with specific requirements (20.2.60.111 NMAC) [Added August 2004; Revised March 2006].	<p>Verify that permits are obtained for any open burning not expressly allowed or not otherwise specifically addressed under the smoke management requirements (see AE.130.6.NM).</p> <p>(NOTE: Open burning is allowed for the following</p> <ul style="list-style-type: none"> - recreational and ceremonial purposes - barbecuing - heating purposes in fireplaces - the noncommercial cooking of food for human consumption - warming by small wood fires at construction sites. <p>Open burning of natural gas is allowed at gasoline plants and compressor stations, and when used or produced in drilling, completion, or work-over operations on oil and gas wells when necessary to avoid serious hazard to safety.)</p> <p>Verify that there is no open burning as part of a salvage operation.</p> <p>Verify that vegetative material is the only household waste that is burned.</p> <p>(NOTE: This checklist item applies to open burning of vegetative material for purposes of disposal of such material.)</p> <p>Verify that that burning of areas with no n-piled vegetative material does not exceed 10 acres per day.</p> <p>Verify that burning of piled vegetative material, including material gathered in a pit or open container, does not exceed 1000 cubic feet of pile volume per day.</p> <p>Verify that, in no attainment areas, there is no open burning of vegetative material.</p> <p>Verify that open burning of vegetative material is conducted at least 300 feet from any occupied dwelling, workplace, or place where people congregate, which is on property owned by, or under possession control of, another person.</p> <p>Verify that open burning of vegetative material begins no earlier than one hour after sunrise, and is extinguished no later than one hour before sunset.</p>

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<p>AE.130.4.NM. Burning of materials and structures for firefighter training must comply with specific requirements (20.2.60.112 NMAC) [Added August 2004].</p> <p>AE.130.5.NM. Open burning of hazardous waste must be</p>	<p>Verify that open burning of vegetative material is attended at all times.</p> <p>Verify that the appropriate local fire department or dispatch or firefighting authority is notified prior to burning.</p> <p>Verify that, for open burning of vegetative material exceeding one acre per day or one hundred cubic feet of pile volume per day, the burner provides prior notice of the date and location of the burn to all households within one quarter of a mile of the burn.</p> <p>Verify that open burning of vegetative material is not conducted when an air pollution episode is in effect.</p> <p>Verify auxiliary fuel or incendiary devices used to ignite the burning, meet the following requirements:</p> <ul style="list-style-type: none"> - no oil heavier than number 2 diesel is used - no more than the minimum amount of auxiliary fuel necessary to complete the burn is used. <p>Verify that polyethylene sheeting burned with the vegetative materials, meets the following requirements:</p> <ul style="list-style-type: none"> - the sheeting has been covering piled vegetative material for at least one month prior to burning - the amount of sheeting burned is no more than the minimum necessary to cover the pile - removal of the sheeting before burning is impractical - the burner is able to provide evidence, such as purchase records or package labeling, that the sheeting is polyethylene and not some other form of plastic. <p>Verify that the burner considers alternatives to burning prior to igniting a burn.</p> <p>Verify that the vegetative material to be burned is as dry as practicable.</p> <p>Verify that all regulated asbestos-containing material is removed prior to burning, of structures, buildings, facilities or materials for purposes of instruction and training of bona fide firefighting and fire-rescue personnel.</p> <p>Verify that the department is notified, prior to burning, using the form provided by the department.</p> <p>Verify that open burning of hazardous waste is allowed only with a permit.</p>

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<p>permitted (20.2.60.113 NMAC) [Added August 2004].</p> <p>AE.130.6.NM. [Deleted March 2006].</p> <p>AE.130.7.NM. Burn projects of less than one ton of PM-10 emissions per day or less than 5,000 cubic feet pile volume per day must meet specific requirements (20.2.65.102 NMAC) [Added August 2004; Revised March 2006].</p>	<p>(NOTE: Requirements found in AE.130.3.NM.)</p> <p>(NOTE: The burner may apply for a waiver of these requirements in writing from the department.)</p> <p>Verify that the burner follows one of the 2 options below:</p> <ul style="list-style-type: none"> - Option 1: <ul style="list-style-type: none"> - ignites burns only during the hours from one hour after sunrise until one hour before sunset - conducts burn projects at least 300 feet from any occupied dwelling, workplace, or place where people congregate, which is on property owned by, or under possessory control of, another person - Option 2: <ul style="list-style-type: none"> - only burns during times when the ventilation category is good or better - conducts visual monitoring, documents the results; and maintains records of those results for a period of one year; for any burn project planned to be conducted within a one mile radius of a population. <p>Verify that the burner notifies the local fire authority prior to igniting a burn.</p> <p>Verify that the burner registers the burn project with the department on a registration form provided by the department no later than 10:00 a.m. one business day prior to the planned ignition of the burn project.</p> <p>Verify that prior to igniting the burn project, if the burner has not received the registration number, the burner makes a good faith effort to contact the department to obtain the registration number.</p> <p>(NOTE: For burn projects longer than seven days, the burner must notify the department separately for each seven days of burning to be conducted under that burn project registration.)</p> <p>Verify that the burner does not burn more area or volume than the burner has included in the notification or registration.</p> <p>Verify that the burner submits a completed burn project tracking form to the department on a tracking form provided by the department no later than 2 weeks following completion of the burn project.</p>

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<p>AE.130.8.NM. Burn projects greater than or equal to one ton of PM-10 emissions per day or greater than or equal to 5,000 cubic feet pile volume per day must meet specific requirements (20.2.65.103 NMAC) [Added August 2004].</p>	<p>Verify that, for burn projects conducted within a one-mile radius of a population, the following additional requirements apply:</p> <ul style="list-style-type: none"> - the burner conducts visual monitoring and documents the results - the burner conducts public notification of populations within a one-mile radius of the burn project no later than 2 days prior to, and no earlier than thirty days in advance of, igniting a burn project. <p>Verify that the burner maintains all records of actions performed to comply with the requirements for a period of at least one year.</p> <p>(NOTE: The burner may apply for a waiver of these requirements in writing from the department.)</p> <p>Verify that the burner reviews smoke management educational material supplied by the department or complete an approved smoke management training program prior to initiating burning.</p> <p>Verify that the burner considers alternatives to burning and documents this consideration and rationale for not using alternatives on the form provided by the department.</p> <p>Verify that the burner implements at least one emission reduction technique and documents this implementation on the forms provided by the department.</p> <p>Verify that the burner only burns during times when the ventilation category is "good" or better.</p> <p>Verify that the burner conducts visual monitoring and documents the results.</p> <p>Verify that the burner notifies the local fire authority prior to igniting a burn.</p> <p>Verify that the burner registers a burn project with the department on forms provided by the department no later than 2 weeks prior to planned ignition of the burn.</p> <p>Verify that the burner notifies the department of the intent to burn on a specific date no later than 10:00 a.m. one business day prior to the planned burn project.</p> <p>Verify that, if the department has not notified the burner of the receipt of notification by 11:00 a.m., the burner makes a good faith effort to contact the department to verify that the department received the notification prior to igniting the burn.</p> <p>Verify that the burner does not burn more area or volume than the burner has included in the notification.</p>

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<p>AE.130.9.NM. Burn projects greater than or equal to one ton of PM-10 emissions per day or greater than or equal to 5,000 cubic feet pile volume per day must meet specific requirements (20.2.65.104 and 20. 2.65.105 N MAC) [Added August 2004].</p>	<p>Verify that the burner completes and submits to the department on a form provided by the department a fire activity tracking form no later than 2 weeks following the end of the burn project.</p> <p>Verify that, for burns planned to be conducted with the wind blowing toward a population, or within a fifteen mile radius of a population if wind direction is not considered, the additional requirements apply:</p> <ul style="list-style-type: none"> - instrumental monitoring may be required by the department in addition to visual monitoring conducted by the burner - the burner conducts public notification no later than 2 days prior to, and no sooner than thirty days in advance of, igniting a burn. <p>Verify that the burner maintains all records of actions performed to comply with these requirements for a period of at least one year.</p> <p>(NOTE: This checklist item applies to wildland fire use exceeding ten acres in area.)</p> <p>Verify that the burner registers a burn project with the department on forms provided by the department no later than one business day following the decision to manage a wildland fire use burn.</p> <p>Verify that the burner notifies the department daily by 10:00 a.m. of the status of the burn.</p> <p>Verify that the burner notifies the appropriate authorities of the decision to manage a wildland fire use burn.</p> <p>Verify that, for burns within a fifteen mile radius of a population, the burner conducts public notification no later than one calendar day of the decision to manage the burn as a wildland fire use.</p> <p>Verify that the burner conducts visual monitoring and documents the results.</p> <p>Verify that the burner completes and submits to the department a fire activity tracking form no later than 2 weeks following the end of the burn project.</p> <p>Verify that the burner maintain all records of actions performed in compliance with the requirements for a period of at least one year.</p> <p>Verify that the land manager or owner of property on which a wildfire exceeding 100 acres in area occurs completes and submits to the department a fire activity tracking form no later than 6 weeks or by November 1 of that year, whichever is earlier, following the cessation of fire fighting activities on the wildfire.</p>

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<p>AE.135.</p> <p>VEHICLE EMISSIONS</p> <p>AE.135.1.NM. Owners/operators of diesel-powered vehicles must comply with specific emission requirements (20.2.61.109 through 20. 2.61.111 and 20.2.61.113 NMAC) [Revised August 1998; Revised September 2003 ; Revised March 2006].</p> <p>AE.135.2.NM. A new model year 2011 or subsequent model year passenger car, light-duty truck, medium-duty passenger vehicle, or medium-duty vehicle must be certified by CARB and received a CARB executive order (20.2.88.100, 20.2.88.101 and 20.2.88.103 NMAC) [Added March</p>	<p>Verify that a diesel-powered vehicle operating below 8 000 ft (mean sea level) emits smoke having opacity greater than 30 percent for no more than 10 s.</p> <p>Verify that a diesel-powered vehicle operating above 8000 ft emits smoke having opacity greater than 40 percent for no more than 10 s.</p> <p>Verify that the emission of a ny s moke f rom a ny diesel-powered locomotive operating above 8,000 feet (mean sea level) does not have opacity greater than 20 percent for any period greater than 10 seconds.</p> <p>Verify that the emission of a ny s moke f rom a ny diesel-powered locomotive operating below 8,000 feet (mean sea level) or involved in switching and railroad yard use does not have an opacity greater than 40 percent for any period greater than 10 seconds.</p> <p>(NOTE: Opacity limits do not apply to emissions from diesel-powered vehicles if the emissions are a direct result of a cold engine start-up; off-highway, diesel-powered vehicles operating in non-urban areas; oil well drilling rigs and oil well servicing rigs; and emissions which result from insignificant activities (see definitions).)</p> <p>Verify that the opacity of emissions from equipment subject to this requirement is determined consistent with the method set forth by the US EPA in 40 CFR, Part 60 Appendix A, Method 9, or any other method receiving prior approval from the Department.</p> <p>Verify that the minimum time period for taking opacity readings of 10 minutes is complied with.</p> <p>Verify that no motor vehicle manufacturer, dealer, or other person deliver for sale, offer for sale, sell, import, deliver, purchase, rent, lease, acquire, receive, or register a new model year 2011 or subsequent model year passenger car, light-duty truck, medium-duty passenger vehicle, or medium-duty vehicle unless the vehicle has been certified by CARB and received a CARB executive order.</p> <p>(NOTE: Each motor vehicle dealer and rental car agency shall comply with the department's inspection and information requests issued pursuant to 20.2.88.112 (Inspections and Information Requests).)</p> <p>(NOTE: The following vehicles are not subject to this part. - military tactical vehicles</p>

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	<ul style="list-style-type: none"> - vehicles sold for registration and use in a state that is not subject to the California vehicle emission standards - previously registered vehicles with more than 7,500 miles, provided that for vehicle dealers, the mileage at the time of sale is determined by the odometer statement when the dealer acquired the vehicle - vehicles available only for rent to a final destination in a state that is not subject to the California vehicle emission standards - vehicles transferred by inheritance or as a result of divorce, dissolution, or legal separation - emergency vehicles when a public safety agency has demonstrated to the department's satisfaction that a vehicle that meets the agency's needs is not otherwise reasonably available - a vehicle acquired by a New Mexico resident to replace a vehicle registered to such resident that was stolen, damaged or failed beyond reasonable repair while out of state, provided that such replacement vehicle is acquired out of state when the previously-owned vehicle was stolen, damaged, or failed beyond reasonable repair - a vehicle with a right-hand drive configuration that is not available in a California-certified model, purchased by a rural route postal carrier and used primarily for work - vehicles purchased by a nonresident before establishing residency in New Mexico, regardless of the mileage on the vehicle.

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<p>AE.145.</p> <p>ASPHALT PAVING MATERIALS/ OPERATIONS</p> <p>AE.145.1.NM. The operation of asphalt process equipment must comply with specific requirements (20.2.11.107 and 20. 2.11.108 N MAC) [Citation Revised August 1998; Revised September 2003].</p> <p>AE.145.2.NM. [Deleted June 1999].</p>	<p>Verify that particulate matter emissions from asphalt process equipment do not exceed the maximum amounts specified in Appendix 1-11.</p> <p>Verify that asphalt process equipment has a fugitive dust control system.</p> <p>Verify that the fugitive dust control system is operated and maintained so that all particulate emissions are limited to the stack outlet.</p> <p>(NOTE: Removed due to irrelevance.)</p>

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AE.155. OTHER EMISSIONS SOURCES AE.155.1.NM. [Deleted June 1999].	 (NOTE: See SO.67.1.NM.)

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AE.160.

COUNTY/CITY-SPECIFIC REQUIREMENTS

AE.160.1.NM. Sources within Albuquerque/Bernalillo County must comply with specific permit requirements (20.11 NMAC) [Revised August 1998 ; Citation Revised March 2007].

(NOTE: The Albuquerque/Bernalillo County Air Quality Control Board has a complete set of fire mission regulations that are not included in this chapter, please refer to Title 20, Chapter 11 of the New Mexico Annotated Code.)

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<p>GREENHOUSE GAS EMISSIONS</p> <p>AE.205.</p> <p>Reporting</p> <p>AE.205.1.NM. Greenhouse gas reporting is required of certain facilities (20.2.87.200, 20.2.87.201, and 20.2.87.202(C) NMAC) [Added March 2008; Added March 2010; Revised March 2010].</p>	<p>(NOTE: Moved from AE.7.3.NM.)</p> <p>Verify that the following owners or operators of the following facilities report, with 2008 as the first reporting year, the following:</p> <ul style="list-style-type: none"> - facilities at which the sum of the nameplate capacity of all electrical generating units is equal to or greater than 25 megawatts of electricity - a petroleum refining facility with a North American industry classification system code 32411 - a cement manufacturing facility with a North American industry classification system code 32731. <p>Verify that the owner or operator reports, at a minimum for the first reporting year, all direct emissions of carbon dioxide from the facility, except direct emissions from motor and nonroad vehicles.</p> <p>Verify that, for the second reporting year, the owner or operator reports at a minimum:</p> <ul style="list-style-type: none"> - all direct emissions of carbon dioxide and methane from the facility, except direct emissions from motor and nonroad vehicles - indirect greenhouse gas emissions from all electricity, steam, and heat purchased and consumed at the facility. <p>Verify that, for the third and subsequent reporting years, the owner or operator reports at a minimum:</p> <ul style="list-style-type: none"> - all direct emissions of greenhouse gases from the facility, except direct emissions from motor and nonroad vehicles - indirect greenhouse gas emissions from all electricity, steam, and heat purchased and consumed at the facility. <p>Verify that owners or operators submit reports required by July 1 of the year following the greenhouse gas emissions reporting year.</p> <p>(NOTE: Owners or operators that are not required to report greenhouse gas emissions under this part may do so voluntarily. Owners or operators that are required to report greenhouse gas emissions under this part may voluntarily include additional emissions that are not required under this part.)</p>

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	<p>(NOTE: Owners or operators required to report greenhouse gas emissions may register and verify their greenhouse gas emissions with the climate registry or the California climate action registry. Owners or operators that have registered and verified their greenhouse gas emissions for the greenhouse gas emissions reporting year are deemed to be in compliance with this part for that reporting year if:</p> <ul style="list-style-type: none"> - the greenhouse gas emissions reported for the reporting year include, at a minimum, the emissions that would be reported for that owner or operator for that year under this part - the department has access to, at a minimum, the information required by this regulation.)

Appendix 1-1

Significant Ambient Concentrations

(Source: 20.2.72.500 NMAC, Table 1) [Citation Revised August 1998]

Pollutant	Concentration (in micrograms/m ³)	Averaging Time
Total Suspended Particulate	1.0	Annual
	5.0	24 h
PM ₁₀	1.0	Annual
	5.0	24 h
SO ₂	1.0	Annual
	5.0	24 h
Hydrogen Sulfide	25.0	3 h
	1.0	1 h
	5.0	0.5 h
CO	0.5	8 h
	2.0	1 h
NO ₂	1.0	Annual
	5.0	24 h
Nonmethane Hydrocarbons	5.0	3 h
Lead	0.03	3 h

Appendix 1-2

Fugitive Emissions Source Categories

(Source: 20.2.79.119(B) NMAC, Table B) [Revised August 1998]

1. Carbon black plants (furnace process)
2. Charcoal production plants
3. Chemical process plants
4. Coal cleaning plants (with thermal dryers)
5. Coke oven batteries
6. Fossil fuel-fired steam electric plants of more than 250 million Btu/hr heat input
7. Fossil fuel boiler (or combination thereof) totaling more than 250 million Btu/hr heat input
8. Fuel conversion plants
9. Glass fiber processing plants
10. Hydrofluoric acid plants
11. Iron and steel mill plants
12. Kraft pulp mills
13. Lime plants
14. Municipal incinerators capable of charging more than 250 tons of refuse per day
15. Nitric acid plants
16. Petroleum refineries
17. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
18. Phosphate rock processing plants
19. Portland cement plants
20. Primary lead smelters
21. Primary zinc smelters
22. Primary aluminum ore reduction plants
23. Primary copper smelters
24. Secondary metal production plants
25. Sintering plants
26. Sulfur recovery plants
27. Sulfuric acid plants
28. Taconite ore processing plants.

Appendix 1-3

Prevention of Significant Deterioration Source Categories

(Source: 20.2.74.400 NMAC, Table 1)

[Revised August 1998; Citation Revised September 2003]

1. Carbon black plants (furnace process)
2. Charcoal production plants
3. Chemical process plants
4. Coal cleaning plants (with thermal dryers)
5. Coke oven batteries
6. Fossil fuel boilers (or combinations thereof) totaling more than 250 million BTU/hr heat input
7. Fossil fuel-fired steam electric plants of more than 250 million BTU/hr heat input
8. Fuel conversion plants
9. Glass fiber processing plants
10. Hydrofluoric acid plants
11. Iron and steel mills
12. Kraft pulp mills
13. Lime plants
14. Municipal incinerators capable of charging more than 250 tons of refuse per day
15. Nitric acid plants
16. Petroleum refineries
17. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels
18. Phosphate rock processing plants
19. Portland cement plants
20. Primary aluminum ore reduction plants
21. Primary copper smelters
22. Primary lead smelters
23. Primary zinc smelters
24. Secondary metal production plants
25. Sintering plants
26. Sulfur recovery plants
27. Sulfuric acid plants
28. Taconite ore processing plants

Appendix 1-4

Significant Emission Rates

(Source: 20.2.74.502 NMAC, Table 2)

[Revised August 1998; Citation Revised September 2003; Revised March 2007; Revised March 2010]

Pollutant	Emission Rate (Tons/Yr)
Carbon monoxide	100
Fluorides	3
Lead	0.6
Municipal waste combustor	
Acid gases (measured as sulfur dioxide and hydrogen chloride)	40 (36 megagrams/yr)
Metals (measured as particulate matter)	15 (14 megagrams/yr)
Organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.5×10^{-6} (3.2×10^{-6} megagrams/year)
Nitrogen oxides	40
Ozone (as VOC, Volatile Organic Compounds)	40
Particulate matter	
Particulate matter emissions	25
PM ₁₀ emissions	15
Sulfur compounds	
Hydrogen sulfide (H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10
Sulfur Dioxide	40
Sulfuric acid mist	7
Total reduced sulfur (including H ₂ S)	10
Any other pollutant regulated under the Act that is not listed in this table	Any emission rate
Each regulated pollutant	Emission rate or net emissions increase associated with a major stationary source or major modification that causes an air quality impact of one microgram per cubic meter or greater (24-hr average) in any class I federal area located within 10 km of the source.

Appendix 1-5

Allowable PSD Increments

(Source: 20.2.74.504 NMAC, Table 4)

[Citation Revised August 1998; Citation Revised September 2003; Citation Revised March 2007]

Pollutant	Class I	Class II	Class III
NO ₂ annual arithmetic mean	2.5	25	50
Particulate Matter PM ₁₀ , annual arithmetic mean	4	17	34
PM ₁₀ , 24-h maximum	8 ^a	30 ^a	60 ^a
SO ₂ annual arithmetic mean	2	20	40
24-h maximum	5 ^a	91 ^a	182 ^a
3-h maximum	25 ^a	512 ^a	700 ^a

^a Not to be exceeded more than once a year.

Appendix 1-6

Toxic Air Pollutants and Emissions

(Source: 20.2.72.502 NMAC, Table A) [Citation Revised August 1998]

Noncarcinogens

Substance	OEL mg/m ³	Emissions (lb/h)
Acetic acid	25.0	1.67
Acetic anhydride	20.0	1.33
Acetylene dichloride, See 1,2-Dichloroethylene		
Acetylene tetrabromide	15.0	1.00
Acetylsalicylic acid	5.00	0.333
Aldrin	0.25	0.0167
Allyl alcohol	5.00	0.333
Allyl glycidol ether	22.0	1.47
Allyl propyl disulfide	12.0	0.800
Aluminum:		
Metal & Oxide	10.0	0.667
Pyro powders	5.00	0.333
Welding fumes	5.00	0.333
Soluble salts	2.00	0.133
Alkyls Not otherwise classified	2.00	0.133
2-Aminoethanol, See Ethanolamine		
2-Aminopyridine	2.00	0.133
3-Amino 1,2,4triazole, See Amitrole		
Amitrole	0.200	0.0133
Ammonia	18.0	1.20
Ammonium chloride fume	10.0	0.667
Ammonium sulfamate	10.0	0.667
nAmyl acetate	530	35.3
SecAmyl acetate	665	44.3
Aniline homologues	10.0	0.667
Anisidine (pisomer)	0.500	0.0333
Antimony as Sb	0.500	0.0333
ANTU	0.300	0.0200
Asphalt (petroleum) fumes	5.00	0.333
Atrazine	5.00	0.333
Azinphosmethyl	0.200	0.0133
Barium, soluble compounds, as Ba	0.500	0.0333
Benomyl	10.0	0.0667
Benzoyl peroxide	5.00	0.333
Bismuth telluride	10.0	0.667
Sedoped	5.00	0.333
Borates, tetra, sodium salts:		
Anhydrous	1.00	0.0667
Decahydrate	5.00	0.333
Pentahydrate	1.00	0.0667
Boron oxide	10.0	0.667
Boron tribromide	10.0	0.667
Boron trifluoride	3.00	0.200
Bromacil	10.0	0.667
Bromine	0.700	0.0467
Bromine pentafluoride	0.700	0.0467

Substance	OEL mg/m ³	Emissions (lb/h)
Bromochloromethane, see Chlorobromomethane		
Butanethiol, see Butyl mercaptan		
2Butoxyethanol	120	8.00
nButyl acetate	710	47.3
secButyl acetate	950	63.3
tertButyl acetate	950	63.3
Butyl acrylate	55.0	3.67
nButyl alcohol	150	10.0
SecButyl alcohol	305	20.3
tertButyl alcohol	300	20.0
Butylamine	15.0	1.00
tertButyl chromate, as CrO(3)	0.100	0.00667
nButyl glycidol ether (BGE)	135	9.00
nButyl lactate		25.0
Butyl mercaptan	1.50	0.100
osecButylphenol	30.0	2.00
ptertButyltoluene	60	4.00
Cadmium Dusts as Cd	0.0500	0.00333
Fume as Cd	0.0500	0.00333
Calcium hydroxide	5.00	0.333
Calcium oxide	2.00	0.133
Camphor, synthetic	12.0	0.800
Captafol	0.100	0.00667
Carbofuran	0.100	0.00667
Carbon black	3.50	0.233
Carbon tetrabromide	1.40	0.0933
Carbonyl fluoride	5.00	0.333
Cesium hydroxide	2.00	0.133
Chlorinated diphenyl oxide	0.500	0.0333
Chlorine dioxide	0.300	0.0200
Chlorine trifluoride	0.400	0.0267
Chloroacetaldehyde	3.00	0.200
aChloroacetophenone	0.300	0.0200
Chloroacetyl chloride	0.200	0.0133
OChlorobenzylidene malononitrile	0.400	0.0267
Chlorobromomethane	1050	70.0
2Chloro1,3-butadiene, see B-Chloroprene		
Chlorodiphenyl (42 percent chlorine)	1.00	0.0667
Chlorodiphenyl (54 percent chlorine)	0.500	0.033
2Chloroethanol, see Ethylene chlorohydrin		
1Chloro1nitropropane	10.0	0.667
Chloropicrin	0.700	0.0467
oChlorostyrene	285	19.0
oChlorotoluene	250	16.7
2Chloro6 (trichloromethyl) pyridine, see Nitrapyrin		
Chlorpyrifos	0.200	0.0133
Chromium metal	0.500	0.0333
Clopidol	10.0	0.667
Cobalt as Co	0.100	0.00667
Metal, dust & fume	0.100	0.00667
Copper:		
fume	0.200	0.0133
Dusts & mists, as Cu	1.00	0.0667

Substance	OEL mg/m ³	Emissions (lb/h)
Cotton dust, raw	0.200	0.0133
Crotonaldehyde	6.00	0.400
Crufomate	5.00	0.333
Cyanamide	2.00	0.133
Cyanogen	20.0	1.33
Cyanogen chloride	0.600	0.0400
Cyclohexane	1050	70.0
Cyclohexanol	200	13.3
Cyclohexanone	100	6.67
Cyclohexene	1015	67.7
Cyclohexylamine	40.0	2.67
Cyclonite	1.50	0.100
Cyclopentadiene	200	13.3
Cyhexatin	5.00	0.333
DDT (Dichlorodiphenyl trichloroethane)	1.00	0.0667
Decaborane	0.300	0.0200
Demeton	0.100	0.00667
Diacetone alcohol	240	16.0
1,2Diaminoethane See Ethylenediamine		
Diazinon	0.100	0.00667
Diborane	0.100	0.00667
2NDibutylaminoethanol	14.0	0.933
Dibutyl phosphate	5.00	0.333
Dichloroacetylene	0.400	0.0267
oDichlorobenzene	300	20.0
1,3Dichloro5,5dimethyl hydantoin	0.200	0.0133
1,2Dichloroethylene	790	52.7
Dichlorofluoromethane	40.0	2.67
1,1Dichloro1nitroethane	10.0	0.667
2,2Dichloropropionic acid	6.00	0.400
Dicrotophos	0.250	0.0167
Dicyclopentadiene	30.0	2.00
Dicyclopentadienyl iron	10.0	0.667
Dieldrin	0.250	0.167
Diethylamine	30.0	2.00
2Diethylaminoethanol	50.0	3.33
Diethylene triamine	4.00	0.267
Diethyl ether, see Ethyl ether		
Diethyl Ketone	705	47.0
Diethyl phthalate	5.00	0.333
Difluorodibromomethane	860	57.3
Diglycidal ether (DGE)	0.500	0.0333
Diisobutyl ketone	250	16.7
Diisopropylamine	20.0	1.33
Dimethyl acetamide	35.0	2.33
Dimethylamine	18.0	1.20
Dimethylaminobenzene, see Xylidene		
Dimethyl1,2dibromo2dichloroethyl phospate, see Naled		
2,6 Dimethyl4heptanone, see Diisobutyl ketone		
Dinitolmide	5.00	0.333
Dinitrobenzene (all isomers)	1.00	0.0667
3,5 Dinitrotoolumamide, see Dinitolmide		
Dioxathion	0.200	0.0133

Substance	OEL mg/m ³	Emissions (lb/h)
Diphenylamine	10.0	0.667
Diphenylmethane diisocyanate, see Methylene bisphenyl isocyanate		
Dipropylene glycol methyl ether	600	40.0
Dipropyl ketone	235	15.7
Diquat	0.500	0.0333
Disulfiram	2.00	0.133
Disulfoton	0.100	0.00667
2,6 Ditert butylpcresol	10.0	0.667
Diuron	10.0	0.667
Divinyl benzene	50.0	3.33
Endosulfan	0.100	0.00667
Endrin	0.100	0.00667
Enzymes, see Subtilisins		
EPN	0.500	0.0333
2,3 Epoxy1propanol, see Glycidol		
Ethanethiol, see Ethyl mercaptan		
Ethanolamine	8.0	0.533
Ethion	0.400	0.0267
Ethyl acetate	1400	93.3
Ethylamine	18.0	1.20
Ethyl amyl ketone	130	8.67
Ethyl bromide	890	59.3
Ethyl butyl ketone	230	15.3
Ethylene chlorohydrin	3.00	0.200
Ethylenediamine	25.0	1.67
Ethyl ether	1200	80.0
Ethy formate	300	20.0
Ethylidene norbornene	25.0	1.67
Ethyl mercaptan	1.00	0.0667
NEthylmorpholine	23.0	1.53
Ethyl silicate	85.0	5.67
Fenamiphos	0.100	0.00667
Fensulfothion	0.100	0.00667
Fenthion	0.200	0.0133
Ferbam	10.0	0.667
Ferrovandium dust	1.00	0.0667
Fluorides, as F	2.50	0.167
Fluorine	2.00	0.133
Fonofos	0.100	0.00667
Formamide	30.0	2.00
Formic acid	9.00	0.600
Furfural	8.00	0.533
Furfuryl alcohol	40.0	2.67
Gasoline	900	60.0
Germanium tetrahydride	0.600	0.0400
Glutaraldehyde	0.700	0.0467
Glycidol	75.0	5.00
Hafnium	0.500	0.033
2 Heptanone, see Methyl nanyl ketone		
3 Heptanone, see Ethyl butyl ketone		
Hexachloronaphthalene	0.200	0.0133
Hexfluoroacetone	0.700	0.0467
2Hexanone, see Methyl nbutyl ketone		

Substance	OEL mg/m ³	Emissions (lb/h)
sec Hexyl acetate	300	20.0
Hexylene glycol	125	8.33
Hydrogenated terphenyls	5.00	0.333
Hydrogen bromide	10.0	0.667
Hydrogen peroxide	1.50	0.100
4-Hydroxy-4-Methyl-2-pentanone, see Diacetone alcohol		
2-Hydroxypropyl actylate	3.00	0.200
Indene	45.0	3.00
Indium & compounds as In	0.100	0.00667
Iodine	1.00	0.0667
Iodoform	10.0	0.667
Iron oxide fume (Fe(2)O(3)) as Fe	5.00	0.333
Iron pentacarbonyl as Fe	0.800	0.0533
Iron salts, soluble, as Fe	1.00	0.0667
Isoamyl acetate	525	35.0
Isoamyl alcohol	360	24.0
Isobutyl acetate	700	46.7
Isobutyl alcohol	150	10.0
Isooctyl alcohol	270	18.0
Isophorone diisocyanate	0.0900	0.00600
Isopropoxyethanol	105	7.00
Isopropyl acetate	950	63.3
Isopropyl alcohol	980	65.3
Isopropylamine	12.0	0.800
N-Isopropylaniline	10.0	0.667
Isopropyl ether	1050	70.0
Isopropyl glycidyl ether (IGE)	240	16.0
Ketene	0.900	0.0600
Lithium hydride	0.0250	0.00167
Magnesium oxide fume	10.0	0.667
Malathion	10.0	0.667
Manganese as Mn:		
Dust	5.00	0.333
Fume	1.00	0.0667
Mesityl oxide	60	4.00
Methacrylic acid	70.0	4.67
Methanethiol, see Methyl mercaptan		
Methomyl	2.50	0.167
4-Methoxyphenol	5.00	0.333
Methyl acetate	610	40.7
Methyl acrylate	35.0	2.33
Methylacrylonitrile	3.00	0.200
Methylamine	12.0	0.800
Methyl amyl alcohol, see Methyl isobutyl carbinol		
Methyl n-amyl ketone	235	15.7
N-Methyl aniline	2.00	0.133
Methyl n-butyl ketone	20.0	1.33
Methyl 2-cyanoacrylate	8.00	0.533
Methylcyclohexanol	235	15.7
o-Methylcyclohexanone	230	15.3
Methyl demeton	0.500	0.033
Methylene bisphenyl isocyanate (MDI)	0.200	0.0133
Methylene bis(4-cyclohexylisocyanate)	0.110	0.00733

Substance	OEL mg/m ³	Emissions (lb/h)
Methyl ethyl ketone peroxide	1.50	0.100
Methyl formate	250	16.7
5-Methyl-3-heptanone, see Ethyl amyl ketone		
Methyl isoamyl ketone	240	16.0
Methyl isobutyl carbinol	100	6.67
Methyl isopropyl ketone	705	47.0
Methyl mercaptan	1.00	0.0667
Methyl parathion	0.200	0.0133
Methyl propyl ketone	700	46.7
Methyl silicate	6.00	0.400
a-Methyl styrene	240	16.0
Metribuzin	5.00	0.333
Mevinphos	0.100	0.00667
Molybdenum as Mo:		
Soluble compounds	5.00	0.333
Insoluble compounds	10.0	0.667
Moncrotophos	0.250	0.0167
Morpholine	70.0	4.67
Naled	3.00	0.2
Nickel Metal	1.00	0.0667
Nicotine	0.500	0.0333
Nitrapyrin	10.0	0.667
Nitric acid	5.00	0.333
p-Nitroaniline	3.00	0.200
p-Nitrochlorobenzene	3.00	0.200
Nitroethane	310	20.7
Nitrogen trifluoride	300	2.00
Nitroglycerin	0.500	0.00333
Nitromethane	250	16.7
1-Nitropropane	90.0	6.00
Nitrotoluene	11.0	0.733
Nitrotrichloromethane, see Chloropicrin		
Nonane	1050	70.0
Octachloronaphthalene	0.100	0.0067
Octane	1450	96.7
Oil mist, mineral	5.00	0.333
Osmium tetroxide as Os	0.00200	0.000133
Oxalic acid	1.00	0.0667
Oxygen difluoride	0.100	0.00667
Paraffin wax fume	2.00	0.133
Paraquat respirable sizes	0.100	0.00667
Pentaborane	0.0100	0.000667
Pentachloronaphthalene	0.500	0.0333
2-Pentanone, see Methyl propyl ketone		
Perchloromethyl mercaptan	0.800	0.0533
Perchloryl fluoride	14.0	0.933
Phenacyl chloride, see a-Chloroacetophenone		
Phenothiazine	5.00	0.333
Phenyl ether, vapor	7.00	0.467
Phenyl glycidyl ether (PGE)	6.00	0.400
Phenyl mercaptan	2.00	0.133
Phenylphosphine	0.250	0.0167
Phorate	0.0500	0.00333

Substance	OEL mg/m ³	Emissions (lb/h)
Phosdrin, see Mevinphos		
Phosphoric acid	1.00	0.0667
Phosphorus oxychloride	0.600	0.0400
Phosphorus pentachloride	1.00	0.0667
Phosphorus pentasulfide	1.00	0.0667
Phosphorus trichloride	1.50	0.100
m-Phthalodinitrile	5.00	0.333
Picloram	10.0	0.667
Picric acid	0.100	0.00667
Pindone	0.100	0.00667
Piperazine dihydrochloride	5.00	0.333
2-Pivalyl-1,3-indandione, see Pindone		
Platinum:		
Metal	1.00	0.0667
Soluble salts, as PT	0.00200	0.000133
Potassium hydroxide	2.00	0.133
Propargyl alcohol	2.00	0.133
Propionic acid	30.0	2.00
n-Propyl acetate	840	56.0
Propyl alcohol	500	33.3
Propylene glycol dinitrate	0.300	0.200
n-Propyl nitrate	105	7.00
Pyrethrum	5.00	0.333
Pyridine	15.0	1.00
RDX, see Cyclonite		
Resorcinol	45.0	3.00
Rhodium:		
Metal	1.00	0.0667
Insoluble compounds, as Rh	1.00	0.0667
Soluble compounds, as Rh	0.0100	0.000667
Ronnel	10.0	0.667
Rotenone (commercial)	5.00	0.333
Selenium as Se	0.200	0.0133
Sesone	10.0	0.667
Silane, see silicon tetrahydride		
Silicon tetrahydride	7.00	0.467
Silver:		
Metal	0.100	0.00667
Soluble compounds, as Ag	0.0100	0.000667
Sodium azide	0.300	0.0200
Sodium bisulfite	5.00	0.333
Sodium 2,4-dichloro-phenoxyethyl sulfate, see Sesone		
Sodium fluoroacetate	0.0500	0.00333
Sodium hydroxide	2.00	0.133
Sodium metabisulfite	5.00	0.333
Stibine	0.500	0.0333
Stoddard solvent	525	35.0
Strychnine	0.150	0.0100
Subtilisins (Proteolytic enzymes as 100 percent pure crystalline enzyme)	6.00 x 10 ⁻⁵	4.00 x 10 ⁻⁶
Sulfotep	0.200	0.0133
Sulfuric acid	1.00	0.0667
Sulfur monochloride	6.00	0.400
Sulfur pentafluoride	0.100	0.00667

Substance	OEL mg/m ³	Emissions (lb/h)
Sulfur tetrafluoride	0.400	0.0267
Sulfuryl fluoride	20.0	1.33
Sulprofos	1.00	0.0667
Systox, see Demeton		
2,4,5-T	10.0	0.667
Tantalum	5.00	0.333
TEDP, see Sulfotep		
Tellurium & Compounds as Te	0.100	0.00667
Tellurium hexafluoride as Te	0.200	0.0133
Temephos	10.0	0.667
TEPP	0.0500	0.00333
Terphenyls	5.00	0.333
Tetrachloronaphthalene	2.00	0.133
Tetramethyl succinoitrile	3.00	0.200
Tetranitromethane	8.00	0.533
Tetrasodium pyrophosphate	5.00	0.333
Tetryl	1.50	0.100
Thallium, soluble compounds, as Tl	0.100	0.00667
4,4-Thiobis (6 tert, butyl-m-cresol)	10.0	0.667
Thioglycolic acid	4.00	0.267
Thionyl chloride	5.00	0.333
Thiram	5.00	0.333
Tin:		
Metal	2.00	0.133
Oxide & inorganic compounds, except SnH(4), as Sn	2.00	0.133
Organic compounds as Sn	0.100	0.00667
m-Toluidine	9.00	0.600
Tributyl phosphate	2.50	0.167
Trichloroacetic acid	7.00	0.467
Trichloronaphthalene	5.00	0.333
Trichloronitromethane, see Chloropicrin		
1,2,3-Trichloropropane	300	20.0
Tricyclohexyltin hydroxide, see Cyhexatin		
Trimellitic anhydride	0.0400	0.00267
Trimethylamine	24.0	1.60
Trimethyl benzene	125	8.33
Trimethyl phosphite	10.0	0.667
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenylmethylnitramine, see Tetryl		
2,4,6-Trinitrotoluene (TNT)	0.500	0.0333
Triorthosresyl phosphate	0.100	0.00667
Triphenyl amine	5.00	0.333
Triphenyl phosphate	3.00	0.200
Tungsten as W:		
Insoluble compounds	5.00	0.333
Soluble compounds	1.0	37.3
Turpentine	560	37.3
Uranium (natural) Soluble & insoluble compounds as U	0.200	0.0133
n-Valeraldehyde	175	11.7
Vanadium, as V(2)O(5) Respirable dust & Fume	0.0500	0.00333
Vinyl toluene	240	16.0
VM&P Naphtha	1350	90.0
Warafin	0.100	0.00667

Substance	OEL mg/m ³	Emissions (lb/h)
Wood dust (certain hard woods as beech & oak)	1.00	0.0667
Soft wood	5.00	0.333
m-Xylene a,a-diamine	0.100	0.00667
Xylidine	10.0	0.667
Yttrium	1.00	0.0667
Zinc chloride fume	1.00	0.0667
Zinc oxide Fume	5.00	0.333
Zirconium compounds as Zr	5.00	0.333
Coal tar volatiles, as benzene solubles	0.200	0.0133
B-Naphthylamine	0.00300*	2.00 x 10 ⁻⁴
N-Phenyl-beta-naphthylamine	5.00**	0.333
Phenylhydrazine	20.0	1.33
o-Tolidine	11.0**	0.733
p-Toluidine	9.00	0.600
Vinyl cyclohexene dioxide	60.0	40.0

The emissions in pounds per hour were derived using the formula listed below:

$$\text{emission level (lbs/hr)} = \frac{OEL(mg/m^3)}{15}$$

* Compound for which an OEL is not listed by the ACGIH. Value derived by using the minimum detectable level listed in the NIOSH "Manual of Analytical Methods", Third Edition.

** Compound for which an OEL is not listed by the ACGIH and for which there is no chemical specific analytical method listed in the NIOSH "Manual of Analytical Methods", Third Edition. A minimum detectable level (MDL) was derived by using the MDL of a similar compound listed in the NIOSH analytical methods or by assigning the average MDL for a class of compounds such as "halogenated hydrocarbons". In some cases the lowest MDL of the whole class was used.

Appendix 1-7

Significant Ambient Concentrations

(Source: 20.2.79.119(A) NMAC)

[Citation Revised August 1998; Revised September 2003]

Averaging Time (micrograms/m ³)					
Pollutant	Annual	24-hr.	8-hr.	3-hr.	1-hr.
Sulfur Dioxide	1.0	5		25	
PM ₁₀	1.0	5			
Nitrogen Dioxide	1.0				
Carbon Monoxide			0.5 mg/m ³		2 mg/m ³

Appendix 1-8

Particulate Matter Emissions Limitations

For equipment less than or equal to 250 MBtu/Hour heat capacity

(Source: 20.2.14.200(A) NMAC) [Revised August 1998; Revised September 2003]

Heat Input (MBtu/h), Higher Heating Value	Maximum Allowable Emissions for Particulate Matter(lb/MBtu/h input)
10	0.56
20	0.48
30	0.43
40	0.40
50	0.38
70	0.35
100	0.33
200	0.28
250	0.26

For values of heat input not specified in the table, maximum allowable emissions must be calculated by the following formula:

E = Allowable Particulate Emissions (lb/106 Btu)

I = Total Heat Input (in units of BTU's x 106/hr , higher heating value)

When I equals 1 to 250, E equals $0.996135 I^{-0.23471}$

Appendix 1-9

Biomedical Waste Combustion Tables

(Source: 20.2.63.210 NMAC) [Citation Revised August 1998; Citation Revised March 2008]

A. Emission Limits

Total Charging Capacity ¹	Pollutants						
	PM ²	HCl	CO	NO _x	SO ₂	PCDF	Metals ³
< 200 lb/hr	0.08 gr/dscf	< 4 lb/hr or 99 percent	60 mg/dscm			500 ng/dscm	
200 lb/hr to 999 lb/hr	0.03 gr/dscf	40 mg/dscm	60 mg/dscm	235 mg/dscm	80 mg/dscm	5 ng/dscm	99 percent removal or CD surrogate @ 50 micrograms/kg of waste burned
> 1000 lb/hr	0.015 gr/dscf	40 mg/dscm	60 mg/dscm	235 mg/dscm	80 mg/dscm	5 ng/dscm	99 percent removal or Cd surrogate @ 50 micrograms/kg of waste burned

¹ The emission limit for opacity is 10 percent for all charging capacities.

² The particulate matter emission limit is set at 12 percent CO₂. All other emission limits are set at 7 percent O₂.

³ The 99 percent removal efficiency requirement applies to the following metals except for mercury that requires a 90 percent removal efficiency:

- a. arsenic
- b. beryllium
- c. cadmium
- d. chromium
- e. lead

B. Summary Table of Reporting Requirements

Report Description	Reference	Date Due to Department
Notice of CEM performance	Part VI, Section 602.C	At least 30 days prior to performance evaluation
CEM Performance	Section 602.D	Within 30 days from the end of the test period
Notice of emission testing and test protocols	Section 701.A	At least 30 days prior to the actual test date
Copy of emission test results	Section 701.C	Within 60 days from test date
Quarterly report of CEM and temperature monitoring results	Section 800	Within 30 days of the end of each calendar quarter
Intent to cease unit operations	Section 1100.A	Within 90 days of July 7, 1991 ¹
Schedule of compliance	Section 1100.A	Within 90 days of July 7, 1991 ¹

¹ Date applies to units in existence before 8 April 1991.

Appendix 1-10

Emissions Limitations for Municipal Waste Combustors

(Source: 20.2.62.213 NMAC, Table 1)

[Citation Revised August 1998; Revised September 2003;
Revised March 2007; Citation Revised March 2008].

Pollutant	Emissions Limitation ¹
Particulate Matter	
Total	0.01 gr/dscf
Fine (less than 2 microns)	0.008 gr/dscf
SO ₂	80 mg/dscm
Hydrogen Chloride	40 mg/dscm
CO	
Refuse-derived fuel	120 mg/dscm
All other designs	60 mg/dscm
NO ₂	100 ppmv
PCDD/PCDF	5 ng/dscm
Total hydrocarbon (as CH ₄)	45 mg/dscm
Metals	
Arsenic	99 percent removal
Beryllium	99 percent removal
Cadmium	99 percent removal
Chromium	99 percent removal
Lead	99 percent removal
Mercury	90 percent removal
Opacity	10 percent

¹The particulate matter emission limit is set at a condition of 12 percent CO₂.
All other emission limits are set at 7 percent O₂.

Appendix 1-11

Emissions Rates for Asphalt Processing Equipment

(Source: 20.2.11.108 NMAC)

[Revised August 1998; Citation Revised September 2003; Citation Revised March 2007]

Aggregate Process Rate (lb/h)	Maximum Stack Emission Rate (lb/h)
10,000	10
20,000	15
30,000	22
40,000	28
50,000	31
100,000	33
200,000	37
300,000	40
400,000	43
500,000	47
600,000 and above	50

NOTE: When the process rate is between any two consecutive process rates in the table, the maximum stack emission rate is determined by interpolation. Where a plant or operation has more than one stack, the maximum stack emission rate applies to the total of the emissions from all stacks.

SECTION 2

CULTURAL RESOURCES MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for Cultural Resources Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Definitions

- *Archaeological Site* - a location where there exists material evidence of the past life and culture of human beings in this state but excludes the sites of burial of human beings (18-6-11 New Mexico Statutes Annotated (NMSA)) [Added March 2007].
- *Committee* - the cultural properties review committee (18-6-3 (NMSA) [Revised March 2007].
- *Cultural Property* - a structure, place, site, or object having historic, archaeological, scientific, architectural, or other cultural significance (18-6-3 NMSA).
- *Cultural Properties Review Committee* - consists of nine members as follows (18-6-4 NMSA) [Revised March 2007]:
 1. the state historian at the state archives and record center
 2. one person professionally recognized in the discipline of architectural history
 3. one person professionally recognized in the discipline of history
 4. one person professionally recognized in the discipline of architecture
 5. one person professionally recognized in the discipline of prehistoric archaeology
 6. one person professionally recognized in the discipline of historic archaeology
 7. one additional person who is professionally recognized in history, architectural history or architecture; or archaeology
 8. one person who is a member of a New Mexico Indian nation, tribe or pueblo
 9. one person who is a resident of New Mexico and represents the general public.
- *Human Burial* - a human body or human skeletal remains and includes any funerary object, material object, or artifact buried, entombed, or sepulchered with that human body or skeletal remains (18-6-11.2 NMSA) [Citation Revised March 2007].
- *Official Register* - the New Mexico of Cultural Properties maintained by the Committee for the purpose of recording cultural properties deemed worthy of preservation (18-6-3 NMSA) [Citation Revised March 2007].
- *Preservation* - sustaining the existing form, integrity and material of a cultural property or the existing form and vegetative cover of a cultural property and may include protective maintenance or stabilization where necessary in the case of archaeological sites (18-6A-2 NMSA) [Revised March 2007].
- *Registered Cultural Property* - a cultural property which has been placed on the official register on either a permanent or temporary basis by the committee (18-6-3 NMSA) [Revised March 2007].
- *State Archaeologist* - the State Archaeologist designated in the Office of Cultural Affairs for the purposes of the Cultural Properties Act. The State Archaeologist must be professionally recognized in the discipline of archaeology, must have achieved recognition for accomplishment in his/her field in the American Southwest, and must have a specialized knowledge of New Mexico (18-6-15 NMSA) [Citation Revised March 2007].

- *State Land* - property owned, controlled, or operated by a Department, agency, institution, or political subdivision of the state (18-6-3 NMSA) [Citation Revised March 2007].
- *Unmarked Burial Ground* - a location where there exists a burial or burials of any human beings that are not visibly marked on the surface of the ground in any manner traditionally or customarily used for marking burials and includes any funerary object, material object, or artifact associated with the burial or burials (18-6-11.2 NMSA) [Citation Revised March 2007].

<p>CULTURAL RESOURCES MANAGEMENT GUIDANCE FOR NEW MEXICO CHECKLIST USERS</p>						
<p>REFER TO CHECKLIST ITEMS:</p>						
<table><tr><td>Missing Checklist Items</td><td>CR.2.1.NM.</td></tr><tr><td>Historic Properties</td><td>CR.5.1.NM. through CR.5.4.NM.</td></tr><tr><td>Archaeological/Indian Sites</td><td>CR.15.1.NM. through CR.15.11.NM.</td></tr></table>	Missing Checklist Items	CR.2.1.NM.	Historic Properties	CR.5.1.NM. through CR.5.4.NM.	Archaeological/Indian Sites	CR.15.1.NM. through CR.15.11.NM.
Missing Checklist Items	CR.2.1.NM.					
Historic Properties	CR.5.1.NM. through CR.5.4.NM.					
Archaeological/Indian Sites	CR.15.1.NM. through CR.15.11.NM.					

COMPLIANCE CATEGORY: CULTURAL RESOURCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
CR.2. MISSING CHECKLIST ITEMS CR.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

**COMPLIANCE CATEGORY:
CULTURAL RESOURCES MANAGEMENT
New Mexico Supplement**

REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>CR.5.</p> <p>HISTORIC PROPERTIES</p> <p>CR.5.1.NM. [Deleted March 2007].</p> <p>CR.5.2.NM. Cultural property on state land must not be excavated, injured, destroyed or appropriated without a permit (18-6-9 and 18-6-9.1 NMSA) [Revised March 2007].</p> <p>CR.5.3.NM. Cultural property on private lands or controlled by a private owner must not be excavated, injured, or destroyed without the owner's prior permission (18-6-10 NMSA) [Revised March 2007].</p> <p>CR.5.4.NM. [Deleted March 2007].</p>	<p>Verify that cultural property located on state land is not knowingly excavated, injured or destroyed without a permit.</p> <p>Verify that cultural property located on state land is not knowingly appropriated without a permit.</p> <p>Verify that registered cultural properties situated on private lands or controlled by a private owner in not removed, injured or destroyed without the owner's prior permission.</p> <p>(NOTE: Where the owner of a registered cultural property has submitted his acceptance in writing to the committee's registration of that cultural property, the provisions of Section 8 of the Cultural Properties Act shall apply to that registered cultural property.)</p>

COMPLIANCE CATEGORY: CULTURAL RESOURCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
CR.15. ARCHAEOLOGICAL/ INDIAN SITES CR.15.1.NM. [Deleted March 2007]. CR.15.2.NM. A permit is required for excavation of archaeological sites (18-6-11 NMSA) [Revised March 2007]. CR.15.3.NM. [Deleted March 2007]. CR.15.4.NM. [Deleted March 2007]. CR.15.5.NM. The management of unmarked human burials or burial grounds must meet specific requirements (18-6-11.2 NMSA) [Revised March 2007].	<p>Verify that a permit is obtained prior to excavating an archaeological site located on private land with the use of mechanical earth moving equipment for the purpose of collecting or removing objects of antiquity.</p> <p>(NOTE: Permits for excavation may be issued by the committee upon approval by the state archaeologist and the state historic preservation officer.)</p> <p>(NOTE: All archaeological specimens collected or removed from the archaeological site as a result of excavation are the property of the person owning the land on which the site is located.)</p> <p>(NOTE: These requirements do not limit or prohibit the use of the land on which the archaeological site is located by the owner of the land or require the owner to obtain a permit for personal excavation on his own land, provided that no transfer of ownership is made with the intent of excavating archaeological sites. This exemption does not apply to marked or unmarked burial grounds.)</p> <p>(NOTE: Each human burial in the state interred in any unmarked burial ground is accorded the protection of law and shall receive appropriate and respectful treatment and disposition.)</p> <p>Verify that the excavation, removal, disturbance, or destruction of any human burial buried, entombed or sepulchered in any unmarked burial ground in the state is carried out only by authority of the State Medical Investigator or by the committee with the concurrence of the state archaeologist and state historic</p>

COMPLIANCE CATEGORY: CULTURAL RESOURCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>CR.15.6.NM. [Deleted March 2007].</p> <p>CR.15.7.NM. [Deleted March 2007].</p> <p>CR.15.8.NM. [Deleted March 2007].</p> <p>CR.15.9.NM. [Deleted March 2007].</p> <p>CR.15.10.NM. [Deleted March 2007].</p> <p>CR.15.11.NM. [Deleted March 2007].</p>	<p>preservation officer.</p> <p>Verify that, upon the discovery of an unmarked human burial or human burial ground, any activity that may disturb that burial or burial ground or any object or artifact associated with that burial or burial ground is ceased and the local law enforcement agency having jurisdiction in the area is notified.</p> <p>(NOTE: The local law enforcement agency shall notify the state medical investigator and the state historic preservation officer.)</p> <p>(NOTE: Permits for the excavation of any human burial discovered in the course of construction or other land modification may be issued by the committee with the concurrence of the state archaeologist and the state historic preservation officer on an annual basis to professional archaeological consultants or organizations.)</p>

SECTION 3
HAZARDOUS MATERIALS MANAGEMENT
New Mexico Supplement, March 2010

This section covers the state requirements for Hazardous Materials Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Adoption of Federal Standards

The Department of Public Safety adopts Parts 107, 171, 172, 173, 177, 178 and 180 of Title 49 of the Code of Federal Regulations (49 CFR 107 - Hazardous Materials Program Procedures, 49 CFR 171 - General Information, Regulations and Definitions, 49 CFR 172 - Hazardous Materials Table, Special Provisions, Hazardous Materials Communications Requirements and Emergency Response Information Requirements, 49 CFR 173 - Shippers - General Requirements for Shipments and Packaging, 49 CFR 177 - Carriage by Public Highway, 49 CFR 178 - Specifications for Packagings and 49 CFR 180 - Continuing Qualification and Maintenance of Packagings). All provisions set forth in these parts as adopted are applicable to intrastate carriers. (18.2.3.17 NMAC) [Revised March 2008].

Definitions

- *Department* - the homeland security and emergency management department (74-4E-3 New Mexico Statutes Annotated (NMSA)) [Citation Revised March 2007; Revised March 2008].
- *Hazardous Chemical* - any hazardous chemical, extremely hazardous substance, toxic chemical, or hazardous material as defined by Title III (74-4E-3 NMSA) [Citation Revised March 2007].
- *Release* - any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical. The term includes the abandonment or discarding of barrels, containers, and other closed receptacles (74-4E-3 NMSA) [Citation Revised March 2007].
- *Title III* - the Federal Emergency Planning and Community Right-To-Know Act of 1986 (74-4E-3 NMSA) [Citation Revised March 2007].

HAZARDOUS MATERIALS MANAGEMENT GUIDANCE FOR NEW MEXICO CHECKLIST USERS	
REFER TO CHECKLIST ITEMS:	
Missing Checklist Items	HM.2.1.NM.
Releases of Hazardous Materials	HM.20.1.NM. through HM.20.3.NM.

COMPLIANCE CATEGORY: HAZARDOUS MATERIALS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>HM.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>HM.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: HAZARDOUS MATERIALS MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
HM.20. RELEASES OF HAZARDOUS MATERIALS HM.20.1.NM. The release of any chemical substance at or above reportable quantities must be reported (74-4E-5 NMSA) [Citation Revised March 2007]. HM.20.2.NM. [Deleted August 1998]. HM.20.3.NM. [Deleted August 1998].	Verify that any release of hazardous chemicals at or above the reportable quantities of Title III is reported to the Public Safety Department as soon as practicable. (NOTE: See Appendix 3-1 in the U.S. TEAM Guide for Title III reportable quantities.) (NOTE: See WA.5.NM.) (NOTE: See WA.5.NM.)

SECTION 4

HAZARDOUS WASTE MANAGEMENT

New Mexico Supplement, March 2010

New Mexico Supplement, March 2008 This section covers the state requirements for Hazardous Waste Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Incorporation by Reference of Federal Regulations

New Mexico has adopted the following Parts of Title 40 of the Code of Regulations by reference [Revised August 2004; Revised March 2009]:

- 40 CFR 260, as of 1 July 2008 except sections 260.1(b)(6), 260.20, 260.22, 260.30, 260.31, 260.32; 260.33, and reference to 40 CFR Part 267. (Title 20, New Mexico Administrative Code, Chapter 4, Part 1, Section 100 (20.4.1.100 NMAC) and 20.4.1.101(C) NMAC)
- 40 CFR 261, as of 1 July 2008 (20.4.1.200 NMAC)
- 40 CFR 262, as of 1 July 2008 (20.4.1.300 NMAC)
- 40 CFR 263, as of 1 July 2008 except section 263.20(e) (20.4.1.400 NMAC and 20.4.1.401 NMAC)
- 40 CFR 264, as of 1 July 2008 except sections 264.1(f), 264.149, 264.150, 264.301(1), 264.1030(d), 264.1050(g), and 264.1080(e) through (g). (20.4.1.500 NMAC and 20.4.1.501 (B) NMAC)
- 40 CFR 265, as of 1 July 2008 except sections 265.1(c)(4), 265.149, 265.150, 265.1030(c), 265.1050(f), and 265.1080(e) through (g). (20.4.1.600 NMAC and 20.4.1.601 (B) NMAC)
- 40 CFR 266, as of 1 July 2008 except section 266.102(e)(10) that is modified in 20.4.1.700 NMAC (20.4.1.700 and 20.4.1.701 NMAC) [Revised March 2010].
- 40 CFR 268, as of 1 July 2008 except sections 268.5, 268.6, 268.42(b) and 268.44(a) through (g) (20.4.1.800 NMAC and 20.4.1.801 (B) NMAC)
- 40 CFR 270, as of 1 July 2008 except the following provisions (20.4.1.900 and 20.4.1.902 (C) NMAC):
 1. statement in Section 270.1(b), "treatment, storage, and disposal facilities (TSDs) that are otherwise subject to permitting under RCRA and that meet the criteria in paragraph (b)(1), or paragraph (b)(2) of this section, may be eligible for a standardized permit under subpart J of this part.";
 2. Sections 270.1(b)(1) and 270.1(b)(2);
 3. "and standardized permit (subpart J of this part)" in the definition of "permit" in Section 270.2;
 4. definition of "standardized permit" in Section 270.2;
 5. Section 270.10(a)(6);
 6. Section 270.10(h)(2);
 7. portion of the first sentence stating "or as a routine change with prior approval under 40 CFR 124.213" of Section 270.40(b);
 8. Section 270.41 referencing 270.320 and 40 CFR part 124, subpart G;
 9. Section 270.41(b)(3);
 - 10 Section 270.51(e); and
 - 11 Section 270, subpart J.

- 40 CFR 273, as of 1 July 2008 (20.4.1.1000 NMAC) The following terms have the meanings set forth herein.
 - "Aerosol can" means a container in which gas under pressure is used to aerate and dispense any material through a valve in the form of a spray or foam (20.4.1.1001 (A) NMAC) [Added March 2009].
 - "Universal waste" means, in addition to the hazardous wastes listed in 40 CFR Section 273.9, aerosol cans (20.4.1.1001 (A) NMAC) [Added March 2009]
- 40 CFR 279, as of July 1, 2008 (20.4.1.1002 NMAC) [Added March 2009].

**HAZARDOUS WASTE MANAGEMENT
GUIDANCE FOR NEW MEXICO CHECKLIST USERS**

REFER TO CHECKLIST ITEMS:

Missing Checklist Items	HW.2.1.NM.
Small Quantity Universal Waste Handlers	
Specific Wastes	HW.290.1.NM. through HW.290.4.NM.
Training	HW.300.1.NM.
Containers	HW.310.1.NM. and HW.310.2.NM.
Notifications	HW.320.1.NM.
Large Quantity Universal Waste Handlers	
Specific Wastes	HW.380.1.NM. through HW.380.4.NM.
Personnel Training	HW.390.1.NM.
Containers	HW.400.1.NM. and HW.400.2.NM.
Notifications	HW.410.1.NM.
Universal Waste Management, State Specific	HW.480.1.NM. through HW.480.3NM.

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>HW.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>HW.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

**COMPLIANCE CATEGORY:
HAZARDOUS WASTE MANAGEMENT
New Mexico Supplement**

REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>waste that intentionally break or crush mercury-containing universal waste lamps must have a written procedure specifying how to safely break or crush universal waste lamps (20.4.1.1001 (C)(2)(b) NMAC) [Added March 2009].</p> <p>HW.290.4.NM. Small quantity handlers of universal waste that intentionally break or crush mercury-containing universal waste lamps must meet spill response requirements (20.4.1.1001 (C)(2)(d) NMAC) [Added March 2009].</p>	<p>waste lamps is developed and implemented.</p> <p>Verify that the procedure includes:</p> <ul style="list-style-type: none"> - type of equipment to be used to break or crush the lamps - operation and maintenance of the unit in accordance with written procedures developed by the manufacturer of the equipment - safe work practices - decontamination and spill response practices - proper waste management practices. <p>Verify that the handler documents maintenance activities by keeping records of maintenance.</p> <p>Verify that spills of the contents of the universal waste lamps that may occur during breaking or crushing operations are cleaned up in accordance with 40 CFR sections 273.13 or 273.33.</p> <p>Verify that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the universal waste lamps which may occur during lamp breaking or crushing operations.</p>

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>SMALL QUANTITY UNIVERSAL WASTE HANDLERS</p> <p>HW.300 Training</p> <p>HW.300.1.NM. Small quantity handlers of universal waste that intentionally break or crush mercury-containing universal waste lamps receive training (20.4.1.1001 (C)(2)(b) NMAC) [Added March 2009].</p>	<p>Verify that the unit operator(s) and assistant(s) receives training applicable to their duties relating to:</p> <ul style="list-style-type: none"> - breaking and crushing operations - waste handling - area and equipment decontamination - spill response - emergency procedures. <p>Verify that the training is documented.</p>

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>SMALL QUANTITY UNIVERSAL WASTE HANDLERS</p> <p>HW.310 Containers</p> <p>HW.310.1.NM. Universal waste must be labeled (20.4.1.1001 (B) NMAC) [Added March 2009].</p> <p>HW.310.2.NM. Small quantity handlers of universal waste that intentionally break or crush mercury-containing universal waste lamps must meet container and labeling requirements (20.4.1.1001 (C)(2)(e) and (f) NMAC) [Added March 2009].</p>	<p>(NOTE: This checklist item is an alternative to the labeling requirements for universal waste in 40 CFR sections 273.14 and 273.34.)</p> <p>(NOTE: In addition to the labeling requirements in 40 CFR 273.14, universal waste handlers may use other words that accurately identify the universal waste material, for example, "spent bulbs" or "batteries for recycling.")</p> <p>Verify that the labeling is either on the individual piece of universal waste, on the container in which the universal waste is stored, or on a pallet of banded or otherwise bound universal waste being readied for shipment.</p> <p>Verify that the broken and crushed lamps and other solid waste generated as part of the breaking or crushing operation that are being reclaimed for mercury are stored in closed, non-leaking containers that are in good condition.</p> <p>(NOTE: Transfer of the broken or crushed lamps to other containers is not permitted unless the area is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.)</p> <p>Verify that drums or containers used for storage of broken or crushed lamps and other solid waste generated as part of the breaking or crushing operation that are being reclaimed for mercury are labeled with the words "universal waste-lamps," "waste lamps," "used lamps," or other words that accurately identify the contents, for example, "crushed bulbs."</p>

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>SMALL QUANTITY UNIVERSAL WASTE HANDLERS</p> <p>HW.320 Notifications</p> <p>HW.320.1.NM. The owner or operator of a unit that breaks or crushes mercury-containing universal waste lamps must notify the department's hazardous waste bureau of its intent to operate the unit. (20.4.1.1001 (C)(3) NMAC) [Added March 2009].</p>	<p>Verify that the owner or operator of a unit that breaks or crushes mercury-containing universal waste lamps notifies the Department's hazardous waste bureau of its intent to operate the unit.</p> <p>Verify that the notification includes:</p> <ul style="list-style-type: none"> - the owner and operator name(s), address(es), and phone number(s) - manufacturer's documentation describing the unit - documentation that demonstrates that the unit is capable of achieving the occupational safety and health administration (OSHA) permissible exposure limit for mercury - a description of how and where the unit will be operated. <p>Verify that, for units in operation before 3/1/2009, the owner or operator submits the notification by 6/1/2009.</p> <p>Verify that, for units not in operation before 3/1/2009, the owner or operator submits the notification before operating the unit.</p>

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
LARGE QUANTITY UNIVERSAL WASTE HANDLERS HW.380. Specific Wastes HW.380.1.NM. Large quantity handlers of universal waste that intentionally break or crush lamps to reduce their volume must meet specific requirements (20.4.1.1001 (C)(1) NMAC) [Added March 2009]. HW.380.2.NM. Large quantity handlers of universal waste that intentionally break or crush mercury-containing universal waste lamps must meet specific operational requirements (20.4.1.1001 (C)(2)(a), (c) and (g) NMAC) [Added March 2009]. HW.380.3.NM. Large quantity handlers of universal	 <p>(NOTE: This checklist item is in addition to the requirements for universal waste lamps contained in Subparts B and C of 40 CFR Part 273.)</p> <p>Verify that the breaking and crushing of lamps and subsequent management of the resulting waste occurs in a safe and controlled manner that minimizes the release of hazardous constituents to the workplace and the environment.</p> <p>Verify that steps are taken to minimize exposures of children, pregnant women, and other sensitive individuals to mercury releases from these activities.</p> <p>(NOTE: Universal waste destination facilities as defined in 40 CFR Section 273.9 may not intentionally break or crush lamps under this subsection.)</p> <p>Verify that a mechanical unit is used that is specifically designed for the process that results in the breaking or crushing operation to take place in a container or while the lamps are being added to the container, for example, a drum-top lamp crusher.</p> <p>Verify that the mechanical unit incorporates an air pollution controls that capture both particulate and vapor phase mercury.</p> <p>Verify that the mechanical unit has documentation from the manufacturer that demonstrates that the unit is capable of achieving the occupational safety and health administration (OSHA) permissible exposure limit for mercury.</p> <p>Verify that the area in which the lamps are broken or crushed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.</p> <p>Verify that residues, filter media, or other solid waste generated as part of the breaking or crushing operation that are not being reclaimed and that exhibit any characteristics of a hazardous waste are managed as a hazardous waste.</p> <p>Verify that a written procedure specifying how to safely break or crush universal</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>waste that intentionally break or crush mercury-containing universal waste lamps must have a written procedure specifying how to safely break or crush universal waste lamps (20.4.1.1001 (C)(2)(b) NMAC) [Added March 2009].</p> <p>HW.380.4.NM. Large quantity handlers of universal waste that intentionally break or crush mercury-containing universal waste lamps must meet spill response requirements (20.4.1.1001 (C)(2)(d) NMAC) [Added March 2009].</p>	<p>waste lamps is developed and implemented.</p> <p>Verify that the procedure includes:</p> <ul style="list-style-type: none"> - type of equipment to be used to break or crush the lamps - operation and maintenance of the unit in accordance with written procedures developed by the manufacturer of the equipment - safe work practices - decontamination and spill response practices - proper waste management practices. <p>Verify that the handler documents maintenance activities by keeping records of maintenance.</p> <p>Verify that spills of the contents of the universal waste lamps that may occur during breaking or crushing operations are cleaned up in accordance with 40 CFR sections 273.13 or 273.33.</p> <p>Verify that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the universal waste lamps which may occur during lamp breaking or crushing operations.</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>LARGE QUANTITY UNIVERSAL WASTE HANDLERS</p> <p>HW.390 Personnel Training</p> <p>HW.390.1.NM. Large quantity handlers of universal waste that intentionally break or crush mercury-containing universal waste lamps receive training (20.4.1.1001 (C)(2)(b) NMAC) [Added March 2009].</p>	<p>Verify that the unit operator(s) and assistant(s) receives training applicable to their duties relating to:</p> <ul style="list-style-type: none"> - breaking and crushing operations - waste handling - area and equipment decontamination - spill response - emergency procedures. <p>Verify that the training is documented.</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>LARGE QUANTITY UNIVERSAL WASTE HANDLERS</p> <p>HW.400 Containers</p> <p>HW.400.1.NM. Universal waste must be labeled (20.4.1.1001 (B) NMAC) [Added March 2009].</p> <p>HW.400.2.NM. Large quantity handlers of universal waste that intentionally break or crush mercury-containing universal waste lamps must meet container and labeling requirements (20.4.1.1001 (C)(2)(e) and (f) NMAC) [Added March 2009].</p>	<p>(NOTE: This checklist item is an alternative to the labeling requirements for universal waste in 40 CFR sections 273.14 and 273.34.)</p> <p>(NOTE: In addition to the labeling requirements in 40 CFR 273.14, universal waste handlers may use other words that accurately identify the universal waste material, for example, "spent bulbs" or "batteries for recycling.")</p> <p>Verify that the labeling is either on the individual piece of universal waste, on the container in which the universal waste is stored, or on a pallet of banded or otherwise bound universal waste being readied for shipment.</p> <p>Verify that the broken and crushed lamps and other solid waste generated as part of the breaking or crushing operation that are being reclaimed for mercury are stored in closed, non-leaking containers that are in good condition.</p> <p>(NOTE: Transfer of the broken or crushed lamps to other containers is not permitted unless the area is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.)</p> <p>Verify that drums or containers used for storage of broken or crushed lamps and other solid waste generated as part of the breaking or crushing operation that are being reclaimed for mercury are labeled with the words "universal waste-lamps," "waste lamps," "used lamps," or other words that accurately identify the contents, for example, "crushed bulbs."</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>LARGE QUANTITY UNIVERSAL WASTE HANDLERS</p> <p>HW.410 Notifications</p> <p>HW.410.1.NM. The owner or operator of a unit that breaks or crushes mercury-containing universal waste lamps must notify the department's hazardous waste bureau of its intent to operate the unit. (20.4.1.1001 (C)(3) NMAC) [Added March 2009].</p>	<p>Verify that the owner or operator of a unit that breaks or crushes mercury-containing universal waste lamps notifies the department's hazardous waste bureau of its intent to operate the unit.</p> <p>Verify that the notification includes:</p> <ul style="list-style-type: none"> - the owner and operator name(s), address(es), and phone number(s) - manufacturer's documentation describing the unit - documentation that demonstrates that the unit is capable of achieving the occupational safety and health administration (OSHA) permissible exposure limit for mercury - a description of how and where the unit will be operated. <p>Verify that, for units in operation before 3/1/2009, the owner or operator submits the notification by 6/1/2009.</p> <p>Verify that, for units not in operation before 3/1/2009, the owner or operator submits the notification before operating the unit.</p>

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>HW.480</p> <p>UNIVERSAL WASTE MANAGEMENT, STATE SPECIFIC</p> <p>HW.480.1.NM. Universal waste aerosol cans must meet specific management requirements (20.4.1.1001 (D)(1) and (2) NMAC) [Added March 2009].</p>	<p>(NOTE: This checklist item applies to small and large quantity handlers of aerosol cans except persons managing the following aerosol cans:</p> <ul style="list-style-type: none"> - aerosol cans that are not yet wastes - aerosol cans that are not hazardous waste. An aerosol can must be managed as a hazardous waste if its contents exhibit one or more of the characteristics identified in Subpart C of 40 CFR Part 261 or if its contents are listed in Subpart D of 40 CFR Part 261 - aerosol cans, including punctured aerosol cans, that are empty as defined in 40 CFR 261.7(b). <p>An aerosol can becomes a waste on the date it is discarded or is no longer useable. For purposes of this part, an aerosol can is considered to be no longer useable when the can is as empty as proper work practices allow, the spray mechanism no longer operates as designed, the propellant is spent, or the product is no longer used. An unused aerosol can becomes a waste on the date the handler decides to discard it.)</p> <p>Verify that universal waste aerosol cans are managed in a way that prevents release of any universal waste or component of a universal waste to the environment.</p> <p>Verify that a handler of universal waste immediately contains any universal waste aerosol can that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a separate individual container.</p> <p>Verify that the individual container is closed, structurally sound, compatible with the contents of the universal waste aerosol can, and lacks evidence of leakage, spillage, or damage.</p> <p>Verify that, if a handler of universal waste accumulates universal waste aerosol cans in an accumulation container, the container is clearly marked for such use.</p> <p>Verify that the accumulation container is closed, structurally sound, compatible with the contents of the universal waste aerosol can, and lacks evidence of leakage, spillage, or damage.</p> <p>Verify that the universal waste aerosol cans are sorted by type and compatibility of contents to ensure that incompatible materials are segregated and managed appropriately in separate accumulation containers.</p>

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>HW.480.2.NM. Puncturing of universal waste aerosol cans must meet specific requirements (20.4.1.1001 (D)(3) N MAC) [Added March 2009].</p>	<p>(NOTE: See HW.480.1.NM. for applicability.)</p> <p>Verify that the universal waste aerosol can is punctured in a manner designed to prevent the release of any universal waste or component of universal waste to the environment.</p> <p>Verify that a written procedure detailing how to safely puncture aerosol cans is implemented and includes:</p> <ul style="list-style-type: none"> - the type of equipment to be used to puncture the aerosol cans - operation and maintenance of the unit - safe work practices - proper waste management practices. <p>Verify that a spill clean-up kit is readily available to immediately clean up spills or leaks of the contents of the aerosol can which may occur during the can-puncturing operation.</p> <p>Verify that the contents of the aerosol can, or puncturing device if applicable, is immediately transferred to a container that meets the requirements of 40 CFR Section 262.34.</p> <p>Verify that the area in which the aerosol cans are punctured is well ventilated.</p> <p>Verify that employees are thoroughly familiar with the procedure for sorting and puncturing aerosol cans, and proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.</p> <p>Verify that the contents of the universal waste aerosol can, residues, and other solid waste generated from the aerosol can puncturing activities are managed in accordance with all applicable hazardous waste management requirements if they exhibit one or more of the characteristics identified in Subpart C of 40 CFR Part 261 or if its contents are listed in Subpart D of 40 CFR Part 261.</p> <p>(NOTE: The handler is considered the generator of the contents of the universal waste aerosol can and other solid waste generated from the aerosol can puncturing activities. If the contents of the universal waste aerosol can, residues, or other solid wastes are not hazardous, the handler may manage the waste in a way that is in compliance with applicable federal, state or local solid waste regulations.)</p>
<p>HW.480.3.NM. Universal waste aerosol cans must be labeled (20.4.1.1001 (D)(4)</p>	<p>Verify that each universal waste aerosol can, or each container in which universal waste aerosol cans are contained or accumulated, are labeled or marked clearly</p>

COMPLIANCE CATEGORY: HAZARDOUS WASTE MANAGEMENT New Mexico Supplement		
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NMAC) [Added March 2009].	with any one of the following phrases: <ul style="list-style-type: none"> - "universal waste-aerosol can(s)" - "waste aerosol can(s)" - other words that accurately identify the contents, for example, "spent aerosol can(s)." 	

SECTION 5

NATURAL RESOURCES MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for Natural Resources Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Definitions

- *Alteration, Modification, Repair, Rehabilitation or Enlargement of an Existing Dam* - to change from the state engineer accepted construction drawings and specifications or current condition (19.25.12.7 NMAC) [Added May 2005].
- *Breach* - an opening through a dam or spillway that is capable of draining a portion of the reservoir or the entire reservoir. A controlled breach is a constructed opening. An uncontrolled breach is an unintentional discharge from the reservoir (19.25.12.7 NMAC) [Added May 2005].
- *Commission* - the state game commission (New Mexico Statutes Annotated (NMSA), 17-2-38) [Citation Revised March 2007].
- *Consequences of Failure* - potential loss of life or property damage downstream of a dam caused by waters released at the dam or by waters released by partial or complete failure of dam; includes effects of landslides upstream of the dam on property located around the reservoir (19.25.12.7 NMAC) [Added May 2005].
- *Dam* - a man-made barrier constructed across a watercourse or off-channel for the purpose of storage, control or diversion of water (19.25.12.7 NMAC) [Added May 2005]:
 1. Jurisdictional dam: A dam that is more than 10 feet in height measured from the lowest point on the downstream toe to the dam crest or impounds more than 10 acre-feet of water as measured from the lowest point on the downstream toe to the spillway crest. Dams constructed under the supervision of the U.S. army corps of engineers before May 19, 2004, become jurisdictional when such supervision by the U.S. army corps of engineers is terminated. For purposes of these regulations, reference to a dam means a jurisdictional dam unless otherwise noted.
 2. Non-jurisdictional dam: Any dam less than or equal to 10 feet in height and having storage less than or equal to 10 acre-feet of water. The state engineer does not regulate the design, construction and operation of a non-jurisdictional dam unless the dam is unsafe and there is a threat to life or property, as determined by the state engineer. Waters impounded by a non-jurisdictional dam may not be exempt from water right permit requirements; therefore a separate state engineer water right permit for the water impounded in the reservoir created by a non-jurisdictional dam may be required. Non-jurisdictional dams shall meet the requirements of 19.26.2.15 NMAC unless otherwise exempt. The structures listed below are considered non-jurisdictional dams:
 - a. Stock dam: A stock dam constructed prior to May 19, 2004 with a storage capacity of 10 acre-feet or less regardless of the height of the dam.
 - b. Erosion control dam: A dam for the sole purpose of erosion control constructed on a naturally dry watercourse as determined by the state engineer, with a storage capacity of 10 acre-feet or less as measured from the lowest point on the downstream toe to the spillway crest and the reservoir drains in 96 hours unless a quicker drain time is required by court decree.
 - c. Levee or diversion dike: A structure where water flows parallel to the length of the levee or diversion dike as determined by the state engineer.

d. *Roadway embankment*: A structure across a watercourse designed for the sole purpose of supporting a roadbed or other means of conveyance for transportation as determined by the state engineer; where the area upstream has not been enlarged to increase flood storage; and where the embankment is provided with an uncontrolled conduit of sufficient capacity to satisfy requirements of the appropriate state or local transportation authority. If no transportation authority has jurisdiction over the structure, the current drainage design criteria of the New Mexico department of transportation shall apply.

- *Dam Crest* - the lowest elevation of the uppermost surface of a dam, usually a road or walkway excluding any parapet wall, railing, etc. (19.25.12.7 NMAC) [Added May 2005].
- *Dam Failure* - the breakdown of a dam, characterized by the uncontrolled release of impounded water. There are varying degrees of failure (19.25.12.7 NMAC) [Added May 2005].
- *Dam Height* - the vertical distance from the lowest point on the downstream toe to the dam crest (19.25.12.7 NMAC) [Added May 2005].
- *Dam Incident* - an attack on a dam that interrupts normal procedures and performance, affects the safety of the dam or results in a potential loss of life or damage to property (19.25.12.7 NMAC) [Added May 2005].
- *Director* - the director of the Department of Game and Fish (NMSA 17-2-38) [Citation Revised March 2007].
- *Endangered Species* - any species of fish or wildlife whose prospects of survival or recruitment within the state are in jeopardy due to any of the following factors (NMSA 17-2-38) [Citation Revised March 2007]:
 1. the present or threatened destruction, modification, or curtailment of its habitat.
 2. overutilization for scientific, commercial, or sporting purposes
 3. the effect of disease or predation
 4. other natural or man-made factors affecting its prospects of survival or recruitment within the state
 5. any combination of the foregoing factors.

The term may also include any species of fish or wildlife appearing on the United States list of endangered native and foreign fish and wildlife as set forth in Section 4 of the Endangered Species Act of 1973 as endangered species, provided that the Commission adopts those lists in whole or in part. The term does not include any species of the provisions of 16 U.S.C. 1331 through 1340 (1971) and does not include any species of the class Insecta determined by the Director to constitute a pest whose protection under the Wildlife Conservation Act would present an overwhelming and overriding risk to man.
- *Length of Dam* - the length measured along the dam axis at the dam crest. This also includes the spillway, power plant, navigation lock, fish pass, etc., where these form part of the length of the dam. If detached from the dam these structures should not be included (19.25.12.7 NMAC) [Added May 2005].
- *Normal Operating Level* - the water level elevation corresponding to the maximum storage level that excludes any flood control or surcharge storage (19.25.12.7 NMAC) [Added May 2005].
- *Owner* - the individual, association or corporation, public or private, the state or the United States, owning the land upon which a dam is constructed; having a contractual right to construct, operate or maintain a dam; or the beneficiary of an easement to construct, operate or maintain a dam (19.25.12.7 NMAC) [Added May 2005].
- *Population Site* - an area of occurrence of a particular species (19.21.2.7 NMAC).
- *Restricted Species* - any listed large exotic cat species or subspecies (19.33.6.7 NMAC) [Added March 2006].
- *Species* - any species or subspecies (NMSA 17-2-38).

- *Specimen* - the physical parts or a plant in its entirety, taken from a population site for the purposes of scientific study (19.21.2.7 NMAC).
- *Storage* - for purposes of determining whether a dam is jurisdictional, the storage is the volume of water impounded by the dam above the lowest elevation of the downstream toe to the elevation of the spillway crest. For dams with no spillway, storage is measured to the dam crest. Definitions of specific types of storage in reservoirs are (19.25.12.7 NMAC) [Added May 2005]:
 1. Dead storage is the storage volume of a reservoir that lies below the invert of the lowest outlet and therefore, cannot readily be withdrawn from the reservoir.
 2. Flood surcharge storage is the storage volume between the maximum operating level and the maximum water level during the spillway design flood.
 3. Live storage is the storage volume of a reservoir that is available for use and lies above the invert of the lowest outlet.
 4. Reservoir storage capacity is the sum of the dead and live storage of the reservoir.
 5. Maximum storage is the sum of the reservoir storage capacity and flood surcharge storage.
- *Taking* - the removal, with the intent to possess, transport, export, sell, or offer for sale any of the plants listed in 19.21.2.9 NMAC, from the places in the state of New Mexico where they naturally grow (19.21.2.7 NMAC) [Revised March 2007].
- *Threatened Species* - any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range in New Mexico; the term may also include any species of fish or wildlife appearing on the United States list of endangered native and foreign fish and wildlife as set forth in Section 4 of the ESA of 1973 as threatened species, provided that the Commission adopts the list in whole or in part (NMSA 17-2-38) [Citation Revised March 2007].
- *Toe* - the contact line between the outer shell of the dam and the natural ground surface (19.25.12.7 NMAC) [Added May 2005].
- *Voucher Specimen* - an identifiable and representative specimen taken by a botanical collector from a population site for the purpose of documenting that site as occupied habitat. It should be accompanied by pertinent information on location, habitat, collector, date taken, and any other notes the collector can present concerning the population site (19.21.2.7 NMAC).
- *Wildlife* - any nondomestic mammal, bird, reptile, amphibian, fish, mollusk, or crustacean or any part, egg, or offspring or the dead body parts thereof (NMSA 17-2-38) [Citation Revised March 2007].

NATURAL RESOURCES MANAGEMENT GUIDANCE FOR NEW MEXICO CHECKLIST USERS	
REFER TO CHECKLIST ITEMS:	
Missing Checklist Items	NR.2.1.NM.
Water Resource Management	NR.15.1.NM. through NR.15.4.NM.
Wildlife	NR.20.1.NM. through NR.20.3.NM.

GUIDANCE FOR NEW MEXICO APPENDIX USERS	
REFER TO APPENDIX NUMBERS:	REFER TO APPENDIX TITLES:
5-1	Endangered and Threatened Plants of New Mexico
5-2	Threatened and Endangered Species of New Mexico - Invertebrates, Fishes, Amphibians, Reptiles, Birds, and Mammals

COMPLIANCE CATEGORY: NATURAL RESOURCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>NR.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>NR.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: NATURAL RESOURCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>NR.15.</p> <p>WATER RESOURCES MANAGEMENT</p> <p>NR.15.1.NM. Dams must be licensed to operate and meet the license conditions (19.25.12.14, 19. 25.12.15, and 19. 25.12.16 NMAC) [Added May 2005; Revised March 2006].</p> <p>NR.15.2.NM. Existing dams must meet specific operational and notification requirements (19.25.12.21 NMAC) [Added May 2005 ; Citation Revised March 2006].</p>	<p>Verify that, upon completion of a dam construction conditions a proof of completion of works for the dam is filed on a form provided by the state engineer.</p> <p>Verify that the dam owner records the certificate of construction with the county clerk of the county within which the works are located.</p> <p>(NOTE: Upon issuance of a certificate of construction the state engineer will issue a license to operate a dam. The license to operate a dam will address operation conditions and dams will be operated in accordance with the operation conditions.)</p> <p>Verify that the operational conditions in the license are met.</p> <p>(NOTE: The state engineer inspects existing dams to verify dams are operated and maintained in a safe manner. Access to the dam site shall be made available to the state engineer upon request.)</p> <p>Verify that, if a dam incident occurs at a dam, the dam owner's reports the incident to the state engineer within 72 hours.</p> <p>(NOTE: If a major repair is required at an existing dam, the plan to repair the dam shall be in accordance with 19.25.12.19 NMAC. Minor repairs not identified as maintenance activity in accordance with 19. 25.12.17 N MAC require state engineer approval.)</p> <p>Verify that owners acquiring property with a dam promptly notify the state engineer on a form provided by the state engineer of the change in ownership.</p> <p>Verify that owners of dams classified as low or significant hazard potential evaluate the hazard classification if downstream development occurs.</p> <p>Verify that the dam owner submits the results of the hazard potential evaluation to the state engineer for approval and a plan for addressing design deficiencies.</p> <p>Verify that dams classified as high or significant hazard potential are inspected on an interval no greater than 5 years by a professional engineer licensed in the state of New Mexico qualified in the design and construction of dams.</p> <p>Verify that the professional engineer provides a signed and sealed report to the</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>NR.15.3.NM. Dams classified as high or significant hazard potential must meet requirements for an operational and maintenance manual (19.25.12.17 NMAC) [Added May 2005].</p>	<p>state engineer describing the findings of the inspection and recommendations for corrective action or changes to the operating procedures.</p> <p>(NOTE: Routine inspection by the state engineer NMAC satisfies the inspection requirement.)</p> <p>Verify that owners of dams classified as high or significant hazard potential prepare an operational and maintenance manual.</p> <p>(NOTE: Upon compliance with the operational and maintenance manual the state engineer will issue a license to operate the dam. Dams classified as high hazard potential shall comply by December 31, 2008. Dams classified as significant hazard potential shall comply by December 31, 2010.)</p> <p>Verify that owners of dams classified as high or significant hazard potential prepare an emergency action plan.</p> <p>(NOTE: Dams classified as high hazard potential shall comply by December 31, 2008 unless the dam is for flood control purposes with no permanent storage, then compliance by December 31, 2010 is required. Dams classified as significant hazard potential shall comply by December 31, 2010 unless the dam is for flood control purposes with no permanent storage, then compliance by December 31, 2012 is required. Owners of 5 or more dams classified as high or significant hazard potential may propose a schedule for compliance with the emergency action plan requirement. The schedule must be submitted by the owner to the state engineer by December 31, 2005 and is subject to review and approval or modification by the state engineer. All dams must be in compliance by December 31, 2015. Upon failure to meet an approved compliance schedule all dams will revert to compliance dates shown above.)</p> <p>Verify that a dam owner proposing to reconstruct, enlarge, modify, restore reservoir capacity, repair, remove or breach an existing dam makes application to and receive approval from the state engineer prior to undertaking any such action.</p> <p>Verify that owners of dams classified as high or significant hazard potential prepare, maintain and adhere to an operation and maintenance manual that addresses the continued safe operation, maintenance and performance of the dam.</p> <p>Verify that the operational and maintenance manual is prepared by a professional engineer licensed in the state of New Mexico qualified in the design and construction of dams.</p> <p>Verify that update and revision procedure are included in the operational and maintenance manual.</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>NR.15.4.NM. Dams classified as high or significant hazard potential must meet requirements for an emergency action plan (19.25.12.18 NMAC) [Added May 2005 ; Citation Revised March 2006].</p>	<p>Verify that the operational and maintenance procedures are followed.</p> <p>Verify that owners of dams classified as high or significant hazard potential prepare, maintain and exercise an emergency action plan for immediate action in the event of a potential dam failure.</p> <p>(NOTE: The emergency action plan shall follow the format provided by the state engineer or a format that has prior approval of the state engineer. Because each site and operating practice is unique, waivers of specific requirements in this section will be considered on a case-by-case basis. Request for waiver shall be in writing accompanied with documentation justifying the request.)</p> <p>Verify that the dam owner coordinates with the local emergency management office in preparing the emergency action plan.</p> <p>Verify that a copy is submitted to the state office of emergency management for acceptance prior to submittal to the state engineer.</p> <p>Verify that the emergency action plan is reviewed annually, update as necessary and furnish a copy of updates to the state engineer, state office of emergency management and all copyholders.</p> <p>Verify that the dam owner exercises the emergency action plan to verify those involved in its implementation know their roles and responsibilities.</p> <p>(NOTE: It is recommended the dam owner conduct a functional exercise of the emergency action plan every 5 years with a tabletop exercise conducted 2 to 3 years before the functional exercise.)</p> <p>Verify that a professional engineer licensed in the state of New Mexico qualified in the design and construction of dams prepares engineering elements of the emergency action.</p>

COMPLIANCE CATEGORY: NATURAL RESOURCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>NR.20.</p> <p>WILDLIFE</p> <p>NR.20.1.NM. Persons taking state endangered plant species must have permission from the State Forester (19.21.2.10 NMAC) [Revised March 2007].</p> <p>NR.20.2.NM. No persons may take, possess, transport, export, process, sell or offer for sale, or ship any species of threatened or endangered wildlife (19.33.2.2 and 19.33.6.2 NMAC) [Revised March 2006].</p> <p>NR.20.3.NM. When any endangered or threatened species are removed, captured or destroyed without a permit, it must be reported to the Department (19.33.2.8 NMAC) [Added March 2006].</p>	<p>Verify that persons wishing to take state endangered plant species (see Appendix 5-1) have a permit and comply with the permit conditions.</p> <p>Verify that the permittee carries a copy of the permit at all times during the collection and transportation of endangered species.</p> <p>Verify that no person removes, captures, or destroys an endangered species listed in Appendix 5-2 without a specific permit.</p> <p>Verify that no person takes, possesses, transports, exports, sells or offers for sale or ships any threatened or endangered species or subspecies, or any restricted species.</p> <p>Verify that, whenever any person removes, captures or destroys without permit any species classified as threatened or endangered, other than those species listed as threatened or endangered in 50 CFR Part 17, it is reported to the New Mexico Department of Game and Fish within 30 days.</p> <p>Verify that the report details the species involved and the date, location and circumstances of the removal, capture or destruction.</p>

Appendix 5-1

New Mexico Endangered Plant Species

(Source: 19.21.2.9 NMAC) [Revised July 2000; Revised September 2003; Revised March 2007]

<i>Aliciella formosa</i>	Aztec gilia
<i>Allium gooddingii</i>	Goodding's onion
<i>Amsonia tharpaii</i>	Tharp's bluestar
<i>Argemone pleiacantha subsp. Pinnatisecta</i>	Sacramento prickle-poppy
<i>Astragalus humillimus</i>	Mancos milkvetch
<i>Peniocereus greggii</i>	night-blooming cereus
<i>Cirsium vinaceum</i>	Sacramento Mountains thistle
<i>Cirsium wrightii</i>	Wright's marsh thistle
<i>Cleome multicaulis</i>	Slender spiderflower
<i>Coryphantha scheeri var. scheeri</i>	Scheer's pincushion cactus
<i>Cylindropuntia viridiflora</i>	Santa Fe cholla
<i>Cypripedium parviflorum var. pubescens</i>	Golden lady's slipper
<i>Echinocereus fendleri var. kuenzleri</i>	Kuenzler's hedgehog cactus
<i>Erigeron hessii</i>	Hess' fleabane
<i>Erigeron rhizomatus</i>	Zuni fleabane
<i>Eriogonum gypsophilum</i>	Gypsum wild buckwheat
<i>Escobaria duncanii</i>	Duncan's pincushion cactus
<i>Escobaria organensis</i>	Organ Mountain pincushion cactus
<i>Escobaria sneedii var. leeii</i>	Lee's pincushion cactus
<i>Escobaria sneedii var. sneedii</i>	Sneed's pincushion cactus
<i>Escobaria villardii</i>	Villard's pincushion cactus
<i>Hedeoma todsenii</i>	Todsen's pennyroyal
<i>Helianthus paradoxus</i>	Pecos sunflower
<i>Hexalectris nitida</i>	Shining coralroot
<i>Hexalectris spicata</i>	Crested coralroot
<i>Ipomopsis sancti-spiritus</i>	Holy Ghost ipomopsis
<i>Lepidospartum burgessii</i>	Gypsum scalebroom
<i>Lilium philadelphicum</i>	Wood lily
<i>Mammillaria wrightii var. wilcoxii</i>	Wilcox pincushion cactus
<i>Opuntia arenaria</i>	Sand prickly pear
<i>Pediocactus knowltonii</i>	Knowlton's cactus
<i>Pedimelum pentaphyllum</i>	Chihuahua scurfpea
<i>Polygala rimulicola var. mescaleorum</i>	San Andres milkwort
<i>Puccinellia parishii</i>	Parish's alkali grass
<i>Sclerocactus cloveriae subsp. Brackii</i>	Brack's cactus
<i>Sclerocactus mesae-verdae</i>	Mesa Verde cactus
<i>Spiranthes magnicamporum</i>	Lady tresses orchid

Appendix 5-2

Threatened, Endangered and Restricted Species of New Mexico

(Source: 19.33.6.8 and 19.33.6.9 NMAC)

[Revised July 2000; Revised September 2003; Revised May 2005;
Revised March 2006; Revised March 2008; Revised March 2010]

19.33.6.8. THREATENED AND ENDANGERED SPECIES OF NEW MEXICO

A. MAMMALS

(1) Endangered:

- (a) Arizona shrew, *Sorex arizonae*
- (b) Mexican long-nosed bat, *Leptonycteris nivalis*
- (c) (Penasco) least chipmunk, *Neotamias minimus atristriatus*
- (d) meadow jumping mouse, *Zapus hudsonius*
- (e) (Arizona) montane vole, *Microtus montanus arizonensis*
- (f) gray wolf, *Canis lupus*

(2) Threatened:

- (a) least shrew, *Cryptotis parva*
- (b) southern long-nosed bat, *Leptonycteris curasoae*
- (c) spotted bat, *Euderma maculatum*
- (d) western yellow bat, *Lasiurus xanthius*
- (e) white-sided jackrabbit, *Lepus callotis*
- (f) (Organ mountains) Colorado chipmunk, *Neotamias quadrivittatus australis*
- (g) southern pocket gopher, *Thomomys umbrinus*
- (h) American marten, *Martes Americana*
- (i) (desert) bighorn sheep, *Ovis canadensis mexicana*

(3) Listing excepts individuals and populations of the desert bighorn sheep in the Peloncillo mountains in Hidalgo county and all stock in captivity.

B. BIRDS

(1) Endangered:

- (a) brown pelican, *Pelecanus occidentalis*
- (b) aplomado falcon, *Falco femoralis*
- (c) white-tailed ptarmigan, *Lagopus leucurus*
- (d) whooping crane, *Grus americana*
- (e) least tern, *Sterna antillarum*
- (f) common ground-dove, *Columbina passerina*
- (g) buff-collared nightjar, *Caprimulgus ridgway*
- (h) elegant trogon, *Trogon elegans*
- (i) northern beardless-tyrannulet, *Camptostoma imberbe*
- (j) (southwestern) willow flycatcher, *Empidonax traillii extimus*
- (k) thick-billed kingbird, *Tyrannus crassirostris*
- (l) (Arizona) grasshopper sparrow, *Ammodramus savannarum ammolegus*

(2) Threatened:

- (a) neotropic cormorant, *Phalacrocorax brasilianus*
- (b) bald eagle, *Haliaeetus leucocephalus*
- (c) common black-hawk, *Buteogallus anthracinus*
- (d) peregrine falcon, *Falco peregrinus*
- (e) (Gould's) wild turkey, *Meleagris gallopavo mexicana*
- (f) piping plover, *Charadrius melodus*
- (g) whiskered screech-owl, *Megascops trichopsis*
- (h) boreal owl, *Aegolius funereus*
- (i) broad-billed hummingbird, *Cynanthus latirostris*

- (j) white-eared hummingbird, *Hylocharis leucotis*
- (k) violet-crowned hummingbird, *Amazilia violiceps*
- (l) lucifer hummingbird, *Calothorax lucifer*
- (m) Costa's hummingbird, *Calypte costae*
- (n) Gila woodpecker, *Melanerpes uropygialis*
- (o) Bell's vireo, *Vireo bellii*
- (p) gray vireo, *vireo vicinior*
- (q) Abert's towhee, *Pipilo aberti*
- (r) Baird's sparrow, *Ammodramus bairdii*
- (s) yellow-eyed junco, *Junco phaeonotus*
- (t) varied bunting, *Passerina versicolor*

C. REPTILES

(1) Endangered:

- (a) Gila monster, *Heloderma suspectum*
- (b) sand dune lizard, *Sceloporus arenicolus*
- (c) gray-checkered whiptail *Aspidoscelis dixonii*
- (d) gray-banded kingsnake, *Lampropeltis alterna*
- (e) Mexican gartersnake, *Thamnophis eques*
- (f) plain-bellied water snake, *Nerodia erythrogaster*
- (g) (New Mexico) ridgenosed rattlesnake, *Crotalus willardi obscurus*

(2) Threatened:

- (a) western river cooter, *Pseudemys gorzugi*
- (b) Slevin's bunch grass lizard, *Sceloporus slevini*
- (c) canyon spotted whiptail, *Aspidoscelis burti*
- (d) mountain skink, *Eumeces callicephallus*
- (e) green ratsnake, *Senticolis triaspis*
- (f) narrow-headed gartersnake, *Thamnophis rufipunctatus*
- (g) western ribbonsnake, *Thamnophis proximus*
- (h) (mottled) rock rattlesnake, *Crotalus lepidus lepidus*

D. AMPHIBIANS

(1) Endangered:

- (a) Jemez mountains salamander, *Plethodon neomexicanus*
- (b) lowland leopard frog, *Rana yavapaiensis*
- (c) mountain toad, *Bufo boreas*
- (d) Great Plains narrow-mouthed toad, *Gastrophryne olivacea*

(2) Threatened:

- (a) Sacramento mountain salamander, *Aneides hardii*
- (b) Sonoran desert toad, *Bufo alvarius*

E. FISHES

(1) Endangered:

- (a) Gila chub, *Gila intermedia*
- (b) Headwater chub, *Gila nigra*
- (c) Chihuahua chub, *Gila nigrescens*
- (d) roundtail chub, *Gila robusta*
- (e) Rio Grande silvery minnow, *Hybognathus amarus*
- (f) spikedace *Meda fulgia*
- (g) Arkansas river shiner, *Notropis girard*
- (h) (Pecos) bluntnose shiner, *Notropis simus pecosensis*
- (i) southern redbelly dace, *Phoxinus erythrogaster*
- (j) Colorado pikeminnow, *Ptychocheilus lucius*
- (k) loach minnow, *Tiaroga cobitis*

- (l) Zuni bluehead sucker, *Catostomus discobolus yarrowi*
- (m) blue sucker, *Cycleptus elongates*
- (n) gray redhorse, *Moxostoma congestum*
- (o) Pecos gambusia, *Gambusia nobilis*

(2) Threatened:

- (a) Gila trout, *Oncorhynchus gilae*
- (b) Mexican tetra, *Astyanax mexicanus*
- (c) peppered chub, *Macrhybopsis tetranema*
- (d) suckermouth minnow, *Phenacobius mirabilis*
- (e) Pecos pupfish, *Cyprinodon pecosensis* >>
- (f) White Sands pupfish, *Cyprinodon tularosa*
- (g) Gila topminnow, *Poeciliopsis occidentalis*
- (h) greenthroat darter, *Etheostoma lepidum*
- (i) bigscale logperch, *Percina macrolepida* >>
- (g) Pecos pupfish, *Cyprinodon pecosensis*
- (h) White Sands pupfish, *Cyprinodon tularosa*
- (i) Gila topminnow, *Poeciliopsis occidentalis*
- (j) greenthroat darter, *Etheostoma lepidum*
- (k) bigscale logperch, *Percina macrolepida*

(3) Listing exceptions: Gila trout-excludes the population in McKnight creek, Grant county; Arkansas river shiner- excludes the population in the Pecos river drainage; bigscale logperch- excludes the population in the Canadian river drainage

F. CRUSTACEANS

(1) Endangered:

- (a) Socorro isopod, *Thermosphaeroma thermophilum*
- (b) Noel's amphipod, *Gammarus desperatus*

G. MOLLUSKS

(1) Endangered:

- (a) paper pondshell, *Utterbackia imbecillis*
- (b) Texas hornshell, *Popenaias popeii*
- (c) Koster's springsnail, *Juturnia kosteri*
- (d) Alamosa springsnail, *Pseudotryonia alamosae*
- (e) Chupadera springsnail, *Pyrgulopsis chupaderae*
- (f) Socorro springsnail, *Pyrgulopsis neomexicana*
- (g) Roswell springsnail, *Pyrgulopsis roswellensis*
- (h) Pecos assiminea, *Assiminea pecos*,
- (i) wrinkled marshsnail, *Stagnicola caperata*
- (j) Florida mountainsnail, *Oreohelix florida*

(2) Threatened:

- (a) lake fingernailclam, *Musculium lacustre*
- (b) swamp fingernailclam, *Musculium partumeium*
- (c) long fingernailclam, *Musculium transversum*
- (d) Lilljeborg's peaclam, *Pisidium lilljeborgi*
- (e) Sangre de Cristo peaclam, *Pisidium sanguinichristi*
- (f) Gila springsnail, *Pyrgulopsis gilae*
- (g) Pecos springsnail, *Pyrgulopsis pecosensis*
- (h) New Mexico springsnail, *Pyrgulopsis thermalis*
- (i) star gyro, *Gyraulus crista*
- (j) shortneck snaggleteeth, *Gastrocopta dalliana dalliana*
- (k) ovate vertigo, *Vertigo ovata*
- (l) Hacheta Grande woodlandsnail, *Ashmunella hebardi*

- (m) Cooke's peak woodlandsnail, *Ashmunella macromphala*
- (n) Mineral creek mountainsnail, *Oreohelix pilsbryi*
- (o) Doña Ana talussnail, *Sonorella todseni*

19.33.6.9. RESTRICTED SPECIES OF NEW MEXICO

- A.** leopard, *Panthera pardus*
- B.** clouded leopard, *Neofelis nebulosa*
- C.** snow leopard, *Panthera uncia*
- D.** jaguar, *Panthera onca*
- E.** Florida panther, *Felis concolor coryi*
- F.** tiger, *Panthera tigris*
- G.** ocelot, *Felis pardalis*

SECTION 6

OTHER ENVIRONMENTAL ISSUES

New Mexico Supplement, March 2010

OTHER ENVIRONMENTAL ISSUES GUIDANCE FOR NEW MEXICO CHECKLIST USERS	
REFER TO CHECKLIST ITEMS:	
The NEPA Process Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements. Missing Checklist Items	O1.2.1.NM.
Environmental Noise Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements. Missing Checklist Items	O2.2.1.NM.
CERCLA Cleanup Sites Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements. Missing Checklist Items	O3.2.1.NM.
Pollution Prevention Refer to the U.S. TEAM Guide and the DOD Component Supplements for DOD and service-specific requirements. Missing Checklist Items	O4.2.1.NM.
Program Management Refer to the U.S. TEAM Guide and the DOD Component Supplements for DOD and service-specific requirements.	

COMPLIANCE CATEGORY: OTHER ENVIRONMENTAL ISSUES New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
THE NEPA PROCESS O1.2. Missing Checklist Items O1.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: OTHER ENVIRONMENTAL ISSUES New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
ENVIRONMENTAL NOISE O2.2. Missing Checklist Items O2.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of finding).	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: OTHER ENVIRONMENTAL ISSUES New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>CERCLA CLEANUP SITES</p> <p>O3.2. Missing Checklist Items</p> <p>O3.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: OTHER ENVIRONMENTAL ISSUES New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>POLLUTION PREVENTION</p> <p>O4.2. Missing Checklist Items</p> <p>O4.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

SECTION 7

PESTICIDE MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for Pesticide Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Definitions

- *Active Ingredient* - any ingredient that will prevent, destroy, repel, control, or mitigate a pest, or which will act as a plant regulator, defoliant, or desiccant (Title 21 New Mexico Administrative Code (NMAC), Chapter 17, Part 50, Section 7 (21.17.50.7 NMAC)).
- *Aircraft* - any fixed-wing aerial equipment or helicopter used to apply pesticides (21.17.50.7 NMAC).
- *Antidote* - a practical treatment in case of poisoning and includes first-aid treatment (21.17.50.7 NMAC).
- *Bait* - an edible material containing a pesticide that is attractive to a pest (21.17.50.7 NMAC).
- *Beneficial Insect* - any insect which, during its life cycle, is an effective pollinator of plants, is a parasite or predator of pests, or is an insect that provides useful products (21.17.50.7 NMAC).
- *Certified Applicator* - any person who has complied with the certification requirements established by the Department to use or supervise the use of any pesticide covered by a valid license issued by the Department (21.17.50.7 NMAC).
- *Defoliant* - any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission (21.17.50.7 NMAC).
- *Desiccant* - any substance or mixture of substances intended for artificially accelerating the drying of plant tissue (21.17.50.7 NMAC).
- *Direct Supervision* - verifiable instruction to a competent person as follows (21.17.50.7 NMAC):
 1. detailed guidance for applying and/or using the pesticide properly
 2. provisions for contacting the certified applicator in the event he is needed
 3. actual physical presence of a certified applicator when required by the label.
- *Disposal* - to abandon, deposit, inter, or otherwise discard of waste as a final action after its use has been achieved or a use is no longer intended (21.17.50.7 NMAC) [Added March 2007].
- *Fungus* - any nonchlorophyll-bearing thallophyte (that is, any nonchlorophyll-bearing plant of a lower order than mosses and liverworts) as, for example, rust, smut, mildew, mold, and yeast, except those on or in processed food, beverages, or pharmaceuticals (21.17.50.7 NMAC).
- *Ground Equipment* - any equipment used to apply pesticides that is operated on the ground and is self-propelled, or is mounted, drawn, or transported by a tractor, truck, or other vehicle, and that is (21.17.50.7 NMAC):
 1. gravity fed

2. mechanically driven by chain, gears, or belts
 3. obtains power or pressure from a power-take-off or engine.
- *Illegal Residue* - the amount of pesticide remaining in or on food or feed crops and crop by-products, or in meat, meat by-products, or in the fat or milk of animals in excess of tolerances established by the U.S. Environmental Protection Agency (21.17.50.7 NMAC).
 - *Inert Ingredient* - any ingredient which has no active properties (21.17.50.7 NMAC).
 - *Manual Equipment* - any pressurized or electrically operated equipment (excluding hand-sized pressurized containers containing pesticides) used to apply pesticides that is carried or drawn as a complete unit by the person who applies the pesticide (21.17.50.7 NMAC).
 - *Operator Technician* - any person who uses any pesticide as an employee of a commercial applicator (21.17.50.7 NMAC) [Revised March 2009].
 - *Permit* - a written certificate of authority issued by the Department to use or apply pesticides (21.17.50.7 NMAC).
 - *Pest* - any living organism injurious to other living organisms (except man and viruses, bacteria, or other microorganisms in or on other living organisms other than plants) that is a vector of a disease, or is a parasite on another organism, and includes but is not limited to, organisms in the phyla, Platyhelminthes (flatworms, flukes, tapeworms), Nematelminthes (roundworms), Mollusca (snails), Annelida (earthworms), Arthropoda (centipedes, millipedes, spiders, mites, ticks, insects) and Chordata (fish, amphibians, reptiles, birds, mammals, excluding man) (21.17.50.7 NMAC).
 - *Pest Control Operator* - a commercial applicator certified in one or more of the license classifications 7A, 7B, 7C, or 7D of Paragraphs (10) through (13) of Subsection B of 21.17.50.8 NMAC (21.17.50.7 NMAC) [Revised March 2009].
 - *Plant Regulator* - any substance or mixture of substances, intended, through physiological action for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but must not include substances to the extent that they are intended as fertilizers, such as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments (21.17.50.7 NMAC).
 - *Protective Equipment* - clothing, respirators, goggles, or other equipment or materials used to shield an applicator against unintended exposure to pesticides (21.17.50.7 NMAC).
 - *Public Pest Management Consultant* - any individual who is employed by a governmental agency or municipality and who offers or supplies technical advice or makes recommendations to a user of restricted-use pesticides (21.17.50.7 NMAC).
 - *Sanitary Landfill* - a land site for the disposal of wastes as specified under the environmental improvement board's solid waste management regulations in such a manner so as to preclude hazards to public health and safety, domestic livestock or wildlife, and loss of property by utilizing the principles of engineering to confine the wastes to the smallest practical area and to cover with soil (21.17.50.7 NMAC) [Added March 2007].
 - *Service Container* - any container utilized to hold, store, or transport a pesticide concentrate or a pesticide use-dilution preparation, other than (1) the original labeled container provided by the manufacturer or (2) the application equipment. Containers used for waste pesticides are not deemed to be service containers (21.17.50.7 NMAC).

- *Service Vehicle* - any vehicle used to transport pesticide application equipment or use-dilution preparation to the application site (21.17.50.7 NMAC).
- *Use-Dilution Preparation* - a pesticidal preparation which is mixed with a diluent and at a rate specified on the label or labeling which produces the concentration of the pesticide provided on the registered label or labeling (21.17.50.7 NMAC).
- *Waste Pesticide Container* - any container intended for disposal which formerly held pesticides (21.17.50.7 NMAC) [Added March 2007].
- *Water Dumping* - the disposal of pesticide waste in or on lakes, ponds, rivers, sewers, arroyos, or any watercourse, except properly designed and constructed manmade facilities approved by the New Mexico environmental improvement division (21.17.50.7 NMAC) [Added March 2007].
- *Weed* - any plant that grows where not wanted (21.17.50.7 NMAC).

**PESTICIDE MANAGEMENT
GUIDANCE FOR NEW MEXICO CHECKLIST USERS**

REFER TO CHECKLIST ITEMS:

Missing Checklist Items	PM.2.1.NM.
Pesticide Applicators	PM.5.1.NM. and PM.5.2.NM.
Pesticide Application	
General	PM.10.1.NM. and PM.10.2.NM.
Equipment	PM.15.1.NM. through PM.15.5.NM.
Documentation	PM.40.1.NM. and PM.40.2.NM.
Storage, Mixing, Preparation	PM.45.1.NM. and PM.45.2.NM.
Transportation	PM.50.1.NM.
Disposal	PM.55.1.NM. and PM.55.2.NM.
Specific Requirements for Counties and Local Areas	PM.65.1.NM. and PM.65.2.NM.

GUIDANCE FOR NEW MEXICO APPENDIX USERS

REFER TO APPENDIX NUMBERS:

REFER TO APPENDIX TITLES:

7-1

License Categories and Scope of Operations

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PM.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>PM.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PM.5.</p> <p>PESTICIDE APPLICATORS</p> <p>PM.5.1.NM. Pesticide applicators must be licensed (21.17.50.8 and 21.17.50.20 NMAC) [Citation Revised August 1998; Revised March 2009].</p> <p>PM.5.2.NM. Pesticide applicators must comply with specific requirements (21.17.50.13(A), 21.17.56.10 (A), and 21.17.56.11 NMAC) [Revised August 1998; Revised March 2007; Revised March 2009].</p>	<p>Verify that commercial, public, and noncommercial applicators are licensed for the appropriate category of pesticide application.</p> <p>Verify that pest management consultants and public pest management consultants are licensed for the appropriate category of pesticide application.</p> <p>(NOTE: A new employee of a licensed commercial applicator may work up to 60 calendar days under an operator/technician training permit provided a other commercial applicator or technician licensed in New Mexico at least 6 months is present on the application site.)</p> <p>(NOTE: See Appendix 7-1 for the license categories.)</p> <p>Verify that a restricted-use pesticide is bought or applied only by a licensed certified applicator or someone under the direct supervision of a licensed certified applicator.</p> <p>Verify that a licensed certified applicator applies only those pesticides registered for use in New Mexico under his or her license categories.</p> <p>Verify that the directions, rates, and precautions stated on the approved label and labeling are followed for application.</p> <p>(NOTE: State Restricted-Use Herbicides: In order to prevent unreasonable adverse effects on the environment, all formulations of the herbicides listed below are classified for restricted use in New Mexico, provided their labels or labeling contains directions primarily for use on agronomic crops, range or pasture lands, rights-of-way, forest, or non-croplands. Those products labeled primarily for use in ornamental, turf, or home garden plantings remain unclassified:</p> <ul style="list-style-type: none"> - 2,4-D/2,4-Dichlorophenoxyacetic acid - 2,4-DB/4-(2,4-Dichlorophenoxy)butyric acid.)

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
PESTICIDE APPLICATION PM.10. General PM.10.1.NM. Pesticide use must comply with specific requirements (21.17.56.9 NMAC) [Revised August 1998; Citation Revised August 2002].	<p>Verify that no pesticide is applied in a manner inconsistent with the directions on its labeling.</p> <p>(NOTE: The term "inconsistent with the directions" does not include:</p> <ul style="list-style-type: none"> - applying a pesticide at any dosage, concentration, or frequency less than that specified on the labeling (this exception does not apply to the use of termiticides) - applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling, unless the U.S. Environmental Protection Agency has required that the labeling specifically state the pesticide may be used only for the pests specified on the labeling and the U.S. Environmental Protection Agency has determined the use of the pesticide against other pests would cause an unreasonable adverse effect on the environment - mixing a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling - any use of a pesticide in conformance with sections 5 , 18, or 24 of the Federal Insecticide, Fungicide, and Rodenticide Act.)
PM.10.2.NM. Piscicide use must be approved by the commission (20.6.4.16 NMAC) [Added March 2006].	<p>Verify that commission approval is obtained prior to the use of a piscicide [fish poison] registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and under the New Mexico Pesticide Control Act in a surface water of the state.</p>

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
PESTICIDE APPLICATION PM.15. Equipment PM.15.1.NM. Pesticide applicators must comply with specific requirements for the inspection and care of equipment (21.17.50.11 NMAC) [Revised August 1998; Citation Revised March 2007].	<p>Verify that parts showing signs of wear or malfunction are replaced to prevent leakage and to assure uniform dispersal of the pesticide.</p> <p>Verify that equipment is calibrated to dispense the prescribed amount of pesticide.</p> <p>Verify that only suitable hoses and parts are used on spray equipment.</p> <p>Verify that licensed equipment is inspected for, but not limited to, the following:</p> <ul style="list-style-type: none"> - tank condition - nozzle condition and function - suitable type of hose - hose and pipe connections and condition - proper functioning of pressure regulators, if equipped - proper functioning of emergency dump valve - proper function of pump - decal or license affixed to equipment. <p>Verify that the equipment, when used to apply different types of pesticides, is cleaned thoroughly under the following circumstances:</p> <ul style="list-style-type: none"> - when an insecticide is used following the use of a herbicide or defoliant - if residue from material used previously is not compatible with other pesticides to be used - when a pesticide has been used that would cause an illegal residue on cultivated crops or processed food. <p>Verify that equipment is cleaned of any residues that might cause injury to land, humans, desirable plants, or animals when making subsequent application of pesticides.</p> <p>Verify that a uniform mixture is maintained in the equipment during the application of pesticides.</p> <p>Verify that bait boxes and watering stations are legibly marked with:</p> <ul style="list-style-type: none"> - the business name of the commercial applicator or the name of the public agency - the brand name, or common name, or chemical name of the pesticide or its active ingredients

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PM.15.2.NM. Licensed certified applicators must make a available protective equipment for their employees (21.17.50.12 NMAC) [Citation Revised August 1998].</p>	<p>- the EPA registration number, and the phone number of the Pesticide Control Center in Albuquerque, New Mexico (1-800-432-6866).</p> <p>Verify that, in food handling establishments, rodenticides are placed in bait boxes or watering stations that have a n attached, readable label that contains the information listed above.</p> <p>Verify that service containers have a legible label with the common name of the active ingredients or the brand name of pesticide contained therein.</p> <p>Verify that no container or portable application equipment containing pesticides or pesticide residues is left unattended on a service vehicle unless the container or equipment is in a locked compartment or secured in a manner that makes it inaccessible to unauthorized persons.</p> <p>Verify that licensed certified applicators make available to their employees protective equipment that has been decontaminated and is in proper working order.</p> <p>Verify that licensed certified applicators advise their employees of the use of the protective equipment to meet the safety requirements of the pesticide labeling.</p>
<p>PM.15.3.NM. [Deleted August 1998].</p>	<p>(NOTE: Redundant; see PM.10.1.NM.)</p>
<p>PM.15.4.NM. [Deleted August 1998].</p>	
<p>PM.15.5.NM. [Deleted August 1998].</p>	

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PESTICIDE APPLICATION</p> <p>PM.40. Documentation</p> <p>PM.40.1.NM. Pesticide applicators must comply with recordkeeping requirements (20.17.50.10 NMAC) [Citation Revised August 1998; Citation Revised March 2007].</p>	<p>Verify that each commercial, noncommercial, or public applicator keeps records for pesticides applied by them or persons under their direct supervision.</p> <p>Verify that these records include the following:</p> <ul style="list-style-type: none"> - name of the person for whom the pesticide was applied - target pests and crop or site - year, month, day, and time the pesticide was applied - brand name or common name of the pesticide and the EPA registration number of the pesticide - direction and estimated velocity of the wind and the temperature at the application site at the time the pesticide was applied - concentration of pesticide applied - volume of use-dilution preparation applied - location of the land or city address to which the pesticide was applied - all aircraft identification numbers, if applicable - name and address of the business or agency and the name of the individual making the application. <p>(NOTE: Pesticide applicators are not required to record the temperature, or wind direction and velocity, when applying baits in bait stations or pesticide applications in or immediately adjacent to structures.)</p> <p>(NOTE: The volume of use-dilution preparation applied must be provided only if applied in the following categories: Agricultural Pest Control, Agricultural Weed Control, Forest Pest Control, Ornamental and Turf Pest Control: Insecticides, Ornamental and Turf Pest Control: Herbicides, Aquatic Pest Control, Right-of-Way Pest Control, Wood Destroying Pest Control, and Public Health Pest Control.)</p> <p>Verify that the pesticide application records are completed and available to the Department within 24 h after the pesticide is applied.</p> <p>Verify that pesticide application records are kept for 2 years from the date of any pesticide application.</p> <p>Verify that holders of private applicator licenses for M-44 sodium cyanide capsules submit to the director, by September 15, their field records on the use of the M-44 capsules for the preceding period of 1 September through 31 August.</p>

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PM.40.2.NM. Licensed and certified pesticide applicators must comply with recordkeeping requirements for restricted-use, phenoxy herbicides (21.17.56.15 NMAC) [Revised August 1998; Revised March 2008].</p>	<p>(NOTE: Moved from PM.65.2.NM., March 2006.)</p> <p>Verify that any licensed and certified pesticide applicator issued a restricted-use, phenoxy herbicide permit maintains the following records for 2 years for all applicable permitted applications:</p> <ul style="list-style-type: none"> - all records as required under 21.17.50.10 NMAC (see PM40.1.NM.) - permit number under which the application is authorized - acreage treated.

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PM.45.</p> <p>STORAGE/ MIXING/ HANDLING</p> <p>PM.45.1.NM. The storage and display of pesticides for sale must meet specific requirements (21.17.50.15 NMAC) [Citation Revised August 1998].</p> <p>PM.45.2.NM. Storage of pesticide waste and pesticides intended for use by commercial pesticide applicators must meet specific requirements (21.17.50.23 NMAC) [Added March 2007].</p>	<p>Verify that pesticides intended for distribution or sale are displayed or stored within an enclosed building or fenced area and not displayed or stored on sidewalks, parking lots, or similar open areas.</p> <p>Verify that pesticides are stored in a manner that will reasonably insure that human foods, pet foods, drugs, animal feeds, commercial fertilizers, seeds, or clothing will not be contaminated.</p> <p>Verify that pesticides in leaking, broken, corroded, or otherwise damaged containers, or with damaged or obscured labels, are not displayed or offered for sale.</p> <p>Verify that pesticide waste and pesticides intended for use by commercial pesticide applicators are stored in an enclosed, secured area and are posted with warning signs in English and Spanish.</p>

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PM.50.</p> <p>TRANSPORTATION</p> <p>PM.50.1.NM. Vehicles used by commercial applicators require specific identification (21.17.50.16 NMAC) [Citation Revised August 1998].</p>	<p>Verify that a service vehicle used by a commercial applicator for distributing pesticides, or devices, is marked with the following:</p> <ul style="list-style-type: none"> - name of the firm - commercial applicator's license number. <p>Verify that all letters and numerals printed on the service vehicle are:</p> <ul style="list-style-type: none"> - in bold lettering, at least 1.5 inches high - on a background of contrasting color - visible on both the right and left side of the service vehicle.

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PM.55.</p> <p>DISPOSAL</p> <p>PM.55.1.NM. Pesticide applicators must comply with specific requirements when disposing of pesticides (21.17.50.23 (B) through (I) NMAC) [Revised August 1998; Citation Revised March 2007].</p> <p>PM.55.2.NM. Pesticides that remain in spray equipment after a job is completed must be disposed of (21.17.50.11(F) NMAC) [Added March 2007].</p>	<p>Verify that hazardous pesticide waste is disposed of in a permitted hazardous waste disposal site or in a designated area of an approved sanitary landfill under the supervision of the operator.</p> <p>(NOTE: Pesticide wastes, provided they are not also hazardous pesticide wastes, may be disposed of in an approved sanitary landfill.)</p> <p>Verify that waste pesticide containers are crushed or rendered non-serviceable and disposed of in an approved sanitary landfill.</p> <p>Verify that rinsings and waste waters from the cleaning of pesticide apparatuses that can reasonably be expected to contain pesticide contaminants are contained in the cleanup area and not allowed to contaminate water or neighboring land.</p> <p>Verify that pesticide waste or waste pesticide containers are not disposed of by open dumping, open burning, or water dumping in the state of New Mexico.</p> <p>Verify that no pesticide waste is disposed of in any sewer or storm drain.</p> <p>Verify that pesticide waste or waste pesticide containers are disposed of in a manner consistent with its label or labeling.</p> <p>Verify that pesticides that remain in spray equipment after a job is completed, and for which no further legal use is intended, are disposed of in a manner and location that would not cause unreasonable adverse effects on the environment.</p> <p>Verify that pesticides from any equipment are not dumped along public highways, into streams, or at any location that would cause unreasonable adverse effects on the environment.</p>

COMPLIANCE CATEGORY: PESTICIDE MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2008
<p>SPECIFIC REQUIREMENTS FOR COUNTIES AND LOCAL AREAS</p> <p>PM.65.</p> <p>PM.65.1.NM. Application of restricted-use, hormone-type herbicides in Curry or Roosevelt Counties must be permitted (21.17.56.14(A) NMAC) [Revised August 1998; Citation Revised March 2007].</p> <p>PM.65.2.NM. [Moved March 2006].</p>	<p>Verify that there is no application of a restricted-use, hormone-type herbicide in the counties of Curry or Roosevelt unless a permit has been obtained from the Director for the acreage to be treated.</p> <p>(NOTE: Moved to PM.40.2.NM., March 2006.)</p>

Appendix 7-1

License Categories and Scope of Operations

(Source: 21.17.50.8 NMAC) [Citation Revised August 1998]

Category	Scope Of Operations	Description
1A	Agricultural Pest Control	Includes the control of insects, mites, plant diseases, nematodes, and the use of soil fumigants, on agronomic crops
1B	Agricultural Weed Control	Includes the control of undesirable plants that compete with agricultural crops for water and plant nutrients and includes the use of desiccants, fumigants, and defoliants
1C	Animal Pest Control	Includes spraying, dusting, dipping, or administering pesticides internally to control lice, mites, bots, fleas, and flies on pets and livestock, or treatment of places where animals are confined
2	Forest Pest Control	Includes the application of pesticides in forests, forest nurseries, and forest seed producing areas
3A	Ornamental and Turf Pest Control: Insecticide and Fungicides	Includes the control of insect and disease pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf
3B	Ornamental Turf and Pest Control Herbicides	Includes the control of undesirable vegetation in the maintenance and production of ornamental trees, shrubs, flowers, and turf
4	Seed Treatment	Includes the treatment of seeds to control insects, plant diseases, and other pests
5	Aquatic Pest Control	Includes the application of a pesticide to standing or running water to control algae, undesirable fish, and other aquatic organisms, excluding public health pest control
6	Right-of-Way Pest Control	Includes the control of vegetation along public roads, electric power lines, pipelines, railway right-of-way, around oil wells, storage areas, airports, and similar areas
7A	Structural Pest Control	Includes the control of household pests, fabric pests, and stored product pests
7B	Vertebrate Animal Control	Includes the control of rodents, birds, bats, and predators of wildlife and domestic animals
7C	Fumigation	Includes the use of gasses such as methyl bromide, hydrogen cyanide, and phosphine to control pests in structures, railroad cars, stored grain, and similar areas
7D	Wood Destroying Pest Control	Includes the control of termites, carpenter ants, wood-boring or tunneling beetles, fungi, and other organisms which attack lumber in structures or sawed lumber
8	Public Health Pest Control	Includes the control of mosquitoes, flies, fleas, and other vectors that transmit human or animal diseases
9	Regulatory Pest Control	Includes state, federal, or other government employees who control regulated and/or quarantined pests
10	Demonstration and Research Pest Control	Includes: (1) individuals who demonstrate to the public the proper use of restricted-use pesticides, or (2) who conduct field research with pesticides
11	Other	To be assigned by the Director

SECTION 8

PETROLEUM, OIL, AND LUBRICANT (POL) MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for POL Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

PETROLEUM, OIL, AND LUBRICANT (POL) MANAGEMENT GUIDANCE FOR NEW MEXICO CHECKLIST USERS	
REFER TO CHECKLIST ITEMS:	
Missing Checklist Items Used Oil Generators	PO.2.1.NM. PO.65.1.NM. and PO.65.2.NM.

COMPLIANCE CATEGORY: PETROLEUM, OIL, AND LUBRICANT (POL) MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PO.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>PO.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: PETROLEUM, OIL, AND LUBRICANT (POL) MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>PO.65.</p> <p>USED OIL GENERATORS</p> <p>PO.65.1.NM. Containers and aboveground tanks used to store used oil must be labeled (20.4.1.1003 (A) NMAC) [Added March 2009].</p> <p>PO.65.2.NM. Containers and aboveground tanks used to store used oil must be closed (20.4.1.1003 (B) NMAC) [Added March 2009].</p>	<p>Verify that containers and aboveground tanks storing used oil are labeled.</p> <p>(NOTE: As an alternative to the labeling requirements for containers and aboveground tanks used to store used oil in 40 CFR Section 279.22, used oil generators may use other words that accurately identify the used oil, for example, "waste oil" or "oil for recycling.")</p> <p>Verify that, in addition to the requirements for used oil storage in 40 CFR Section 279.22, containers and aboveground tanks used to store used oil outdoors are closed, except when it is necessary to add or remove used oil.</p> <p>(NOTE: This checklist item does not apply to used oil storage containers used temporarily in the normal course of maintenance and service activities where these containers are emptied at the end of each work day or shift.)</p>

SECTION 9

SOLID WASTE MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for Solid Waste Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Definitions

- *Abatement* - to reduce in amount, degree or intensity or to eliminate (20.9.20.7 NMAC) [Added March 2008].
- *Act* - means the Solid Waste Act, NMSA 1978, Sections 74-9-1, et seq (Title 20 New Mexico Administrative Code (NMAC), Chapter 9, Part 1, Section 7 (20.9.2.7 NMAC)) [Revised March 2007].
- *Act* - the Recycling and Illegal Dumping Act, Sections 74-13-1 et seq. NMSA 1978 (20.9.20.7 NMAC) [Added March 2008].
- *Active Life* - the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities in accordance with 20.9.6 NMAC (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Active Portion* - that part of a facility that has received or is receiving wastes and that has not been closed in accordance with 20.9.6 NMAC (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Agricultural Use* - the beneficial use of scrap tires in conjunction with the operations of a farm or ranch that includes construction projects and aids in the storage of feed, as defined in the act (20.9.20.7 NMAC) [Added March 2008].
- *Air Curtain Incinerator* - an incineration facility used for burning yard refuse that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs, controls emission of the combustion products, is not designed to burn more than ten tons of yard refuse per hour, and has obtained an air quality permit or registration (20.9.2.7 NMAC) [Added March 2008].
- *Airport* - public use airports open to the public without prior permission and without restrictions within the physical capacities of a available facilities, but does not include a Aero-club airports operated on a military installation.
- *Alliance* - the recycling and illegal dumping alliance (20.9.20.7 NMAC) [Added March 2008].
- *Alluvial Fan* - a low, outspread, relatively flat to gentle sloping mass of loose rock material, shaped like an open fan or a segment of a cone, deposited by a stream at a place where it issues from a narrow mountain valley upon a plain or broad valley (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Aquifer* - a geologic formation, group of formations, or portions of a formation capable of yielding groundwater to wells or springs. The uppermost aquifer is the aquifer within the facility's property boundary nearest the natural ground surface including lower aquifers that are hydraulically interconnected with this aquifer (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].

- *Areas Susceptible to Mass Movement* - those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or man-induced events, results in the down slope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, solifluction, block sliding, and rock fall (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Asbestos Waste* - solid waste that contains more than 1 percent asbestos (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008]:
 1. friable asbestos material, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure
 2. Category I nonfriable asbestos containing material (ACM) that has become friable including asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos
 3. Category II non-friable asbestos containing material" means any material, excluding category I non-friable asbestos containing material, containing more than one percent asbestos, that, when dry, can not be crumbled, pulverized, or reduced to powder by hand
 4. regulated asbestos waste means friable asbestos material; category I non-friable asbestos containing material that has become friable; category I non-friable asbestos containing material that will be or has been subjected to sanding, grinding, cutting or abrading; or category II non-friable asbestos containing material that has a high probability of becoming or has become broken, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of excavation, renovation, demolition, storage, transportation, or while exposed during disposal operations.
- *Ash* - the ash that results from the incineration or transformation of solid waste and includes both fly ash and bottom ash, and ash from the incineration of densified-refuse-derived fuel and refuse derived fuel, but does not include fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels and wastes produced in conjunction with the combustion of fossil fuels that are necessarily associated with the production of energy and that traditionally have been and actually are mixed with and are disposed of or treated at the same time with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Background* - for purposes of 20.9.2 - 20.9.10 NMAC, the amount of ground water contaminants naturally occurring from undisturbed geologic sources or level of water contamination that the owner or operator establishes is from a source other than the responsible person's facility. This definition shall not prevent the secretary from requiring abatement of commingled plumes of pollution, shall not prevent the owner or operator from seeking contribution or other legal or equitable relief from other persons, and shall not preclude the secretary from exercising enforcement authority under any applicable statute, regulation or common law (20.9.2.7 NMAC) [Added March 2008].
- *Biologicals* - preparations made from living organisms or their products, including vaccines, cultures, or other biological products intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining to these activities (20.9.2.7 NMAC) [Added March 2008].
- *Biological Conversion* - as a form of transformation, the conversion of organic waste materials into an energy source by an aerobic or anaerobic process other than composting (20.9.2.7 NMAC) [Added March 2008].
- *Board* - the environmental improvement board (20.9.20.7 NMAC) [Added March 2008].
- *Cell* - a confined area engineered for the disposal of solid waste (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].

- *Certified Operator* - any individual who meets the experience and training requirements of 20.9.7 NMAC, has successfully completed the testing requirement of the department, and has been issued a New Mexico certificate.
- *Civil Engineering Application* - the use of scrap tires or other recycled material in conjunction with other aggregate materials in engineering applications (20.9.20.7 NMAC) [Added March 2008].
- *Clean Fill* - broken concrete, brick, rock, stone, glass, reclaimed asphalt pavement, or soil that is uncontaminated, meaning the fill has not been mixed with any waste other than the foregoing and has not been subjected to any known spill or release of chemical contaminants, including petroleum product, nor treated to remediate such contamination; reinforcement materials which are an integral part, such as rebar, may be included as clean fill; clean fill must be free of other solid waste, to include land clearing debris, construction and demolition debris, municipal solid waste, radioactive waste, hazardous waste or special waste (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Closed Cell* - a cell at finished grade which has been covered with intermediate cover or final cover (20.9.2.7 NMAC) [Added March 2008].
- *Collection Center* - a facility managed for the collection and accumulation of solid waste with an operational rate of less than 240 cubic yards per day monthly average and that serves the general public (20.9.2.7 NMAC) [Added March 2008].
- *Commercial Hauler* - any person transporting solid waste for hire by whatever means for the purpose of transfer, processing, storing, or disposing of the solid waste in a solid waste facility, except that the term does not include an individual transporting solid waste generated on or from his residential premises for the purpose of disposing it in a solid waste facility (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Commercial Solid Waste* - all types of solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential, household, and industrial wastes (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Commission* - the New Mexico Water Quality Control Commission, including 20.6.1 and 20.6.2 NMAC (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Commission Regulations* - the regulations of the New Mexico water quality control commission, including 20.6.1 NMAC and 20.6.2 NMAC (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Compost* - organic material that has undergone a controlled process of biological decomposition and pathogen reduction, and has been stabilized to a degree that the final product is potentially beneficial to plant growth and can be used as a soil amendment, growing medium amendment or other similar uses. Compost does not include final product that contains sewage sludge that fails to meet the requirements of 40 CFR 503 (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Composting* - the process by which biological decomposition of organic solid waste is carried out under controlled conditions. The process stabilizes the organic fraction into a material which can be easily and safely stored, handled, and used in an environmentally acceptable manner (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Composting* - the process by which biological decomposition of organic material is carried out under controlled conditions and the process stabilizes the organic fraction into a material that can be easily and safely stored, handled and used in an environmentally acceptable manner (20.9.20.7 NMAC) [Added March 2008].

- *Construction and Demolition Debris* - landfill that receives only construction and demolition debris in quantities equal to or less than 50 tons per day monthly average. Any landfill that receives more than 50 tons per day monthly average of construction and demolition debris waste in any month is defined as a municipal landfill (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Cooperative Association* - a refuse disposal district created pursuant to the Refuse Disposal Act, Sections 4-52-1 et seq. NMSA 1978; a sanitation district created pursuant to the Water and Sanitation District Act, Sections 73-21-1 et seq. NMSA 1978; a special district created pursuant to the Special District Procedures Act, Sections 4-53-1 et seq. NMSA 1978; or other associations created pursuant to the Joint Powers Agreements Act, Sections 11-1-1 et seq. NMSA 1978; or the Solid Waste Authority Act, Sections 74-10-1 et seq. NMSA 1978 (20.9.20.7 NMAC) [Added March 2008].
- *Department* - the New Mexico Environment Department (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Discharge* - disposal, spilling, leaking, pumping, pouring, emitting, emptying, or dumping into water or in a location and manner where there is a reasonable probability that the discharged substance will reach surface or subsurface water (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Disease Vectors* - any rodents, flies, mosquitoes, or other animals and insects, capable of transmitting disease to humans (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Dispose* - to deposit scrap tires or solid waste into or on any land or water (20.9.20.7 NMAC) [Added March 2008].
- *Dispose or Disposal* - causing, allowing, or maintaining the abandonment, discharge, deposit, placement, injection, dumping, spilling, or leaking of any solid waste into or on any land or water (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Distillation* - a process by which components in a chemical mixture are purified or separated by the application and removal of heat and the separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit (20.9.2.7 NMAC) [Added March 2008].
- *Existing Municipal Solid Waste Landfill* - an MSWLF meeting the following conditions (20.2.64.7 NMAC) [Added June 1999; Revised September 2003]:
 1. Construction, reconstruction, or modification was commenced before 30 May 1991
 2. The MSWLF has accepted waste at any time since 8 November 1987, or has additional design capacity available for future waste deposition.
- *Floodplain* - the lowland and relatively flat areas adjoining inland and coastal waters that are inundated by the 100 year flood. The 100 year flood has a one percent chance of recurring in any given year or a flood of magnitude equaled or exceeded once in 100 years on the average over a significantly long period (20.9.2.7 NMAC) (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Gasification* - a thermal process for the generation of combustible gas from a solid waste material (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Generator* - any person, whose act or process produces solid waste or whose act first causes solid waste to become subject to regulation (20.9.2.7 NMAC) [Added March 2008].
- *Geosynthetic* - the generic classification of all synthetic materials used in geotechnical applications, including the following classifications (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008]:

1. *Geocomposite* - a manufactured material using geotextiles, geogrids, geomembranes, or combinations thereof, in a laminated or composite form
 2. *Geogrid* - a deformed or non-deformed netlike polymeric material used to provide reinforcement to soil slopes
 3. *Geomembrane* - an essentially impermeable membrane used as an integral part of an engineered structure or system designed to limit the movement of liquid or gas in the system
 4. *Geonet* - a type of a geogrid that allows planar flow of liquids and serves as a drainage system
 5. *Geotextile* - any permeable textile used as an integral part of an engineered structure or system to serve as a filter to prevent the movement of soil fines into drainage systems, to provide for planar flow for drainage, or to serve as a cushion to protect geomembranes, or to provide structural support.
- *Groundwater* - interstitial water which occurs in the earth's saturated zone and which is capable of entering a well in sufficient amounts to be utilized as a water supply (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
 - *Groundwater Scientist* - a scientist or engineer who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, professional certifications or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Hauler* - any person transporting solid waste.
 - *Hauler's Temporary Storage Facility* - a facility where less than 100 scrap tires are stored for no more than 72 hours by a registered scrap tire hauler or registered commercial hauler for the purpose of separating scrap tires from tires that will be reused for their original purpose (20.9.20.7 NMAC) [Added March 2008].
 - *Hazardous Constituent* - any constituent listed in 40 CFR 258 Appendix I or II or Subsection A of 20.6.2.3103 NMAC, and any potential toxic pollutant listed in 20.6.2.7 NMAC.
 - *Hazardous Waste* - a hazardous waste as defined in 40 CFR 261.3.
 - *Hot Waste* - any waste which is on fire or smoldering when delivered to the solid waste facility (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Household* - any single and multiple residence, hotel or motel, bunkhouse, ranger station, crew quarters, campground, picnic ground or day-use recreation area (20.9.20.7 NMAC) [Added March 2008].
 - *Household Waste* - any solid waste including garbage and trash, derived from households including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Illegal Dumping* - disposal of trash, scrap tires or any solid waste in a manner that violates the Solid Waste Act or the Recycling and Illegal Dumping Act (20.9.20.7 NMAC) [Added March 2008].
 - *Illegal Dumpsite* - a place where illegal dumping has occurred (20.9.20.7 NMAC) [Added March 2008].
 - *Impact* - a present or future effect on the environment or the health of residents of a community.
 - *Incineration* - the reduction of combustible solid wastes by burning in an enclosed device under conditions of controlled airflow and temperature

- *Incinerator* - an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down solid waste, including, but not limited to, rotary kiln, fluidized bed, and liquid injection incinerators (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Industrial Solid Waste* - solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals, plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment, and water treatment. This term does not include mining waste or oil and gas waste (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Infectious Waste* - a solid waste that carries a probable risk of transmitting disease to humans or animals, and includes the following which shall be considered infectious waste (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008]:
 1. cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stock of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines except for residue in emptied containers; and culture dishes, assemblies and devices used to conduct diagnostic tests or to transfer, inoculate, and mix cultures;
 2. human pathological wastes, including tissues, organs, and body parts that are removed during surgery, autopsy, other medical procedures, or laboratory procedures, but not including hair, or nails;
 3. human and body fluid waste, including:
 - i. liquid waste human blood;
 - ii. blood products;
 - iii. items with human blood (caking, flaking, saturated or dripping);
 - iv. items with human blood, including serum, plasma, and other blood components, which were used or intended for use in patient care, specimen testing, or the development of biological products or pharmaceuticals;
 - v. intravenous bags that have been used for blood transfusions;
 - vi. items, including dialysate, that have been in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers;
 - vii. items contaminated by body fluids from persons at trauma scenes, during surgery, autopsy, other medical procedures, or laboratory procedures;
 - viii. specimens of blood products, and their containers; and
 - ix. other potentially infectious materials as defined by the U.S. department of labor occupational safety and health administration at 29 CFR 1910. 1030(b), including the following body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
 4. contaminated animal carcasses, body parts, blood, blood products, secretions, excretions, and bedding of animals that were known to have been exposed to zoonotic infectious agents or non-zoonotic human pathogens, including during research (including research in veterinary schools and hospitals), production of biologicals, or testing of pharmaceuticals;
 5. biological wastes and waste contaminated with bloody excretions, exudates, or secretions from:
 - i. humans who are isolated to protect others from rare diseases such as viral hemorrhagic fevers (Ebola, Lassa, Marburg) or other emerging infectious diseases whose biological wastes and waste contaminated with bloody excretions, exudates, or secretions are deemed infectious waste as described by advisory agencies such as the center for disease control (CDC);
 - ii. isolated animals known or suspected to be infected with rare diseases such as bovine spongiform encephalopathy (BSE) or other emerging infectious diseases identified by an advisory agency;
 6. discarded sharps, used or unused (unless in original packaging), generated at a facility, that have, or are likely to have, come in contact with infectious agents while involved in human or animal patient care, treatment, or research, including hypodermic needles, syringes (with the attached needle), Pasteur

pipettes, scalpel blades, blood vials, needles with attached tubing, culture dishes, suture needles, slides, cover slips, and other broken or unbroken glass or plasticware, unless properly treated or otherwise specifically exempted;

7. infectious waste does not include:

- i. wastes generated in a household (except for infectious wastes generated by home health care professionals);
- ii. human corpses, remains, and anatomical parts that are intended for interment or incineration as specified in Paragraphs (4) and (5) of Subsection E of 20.9.8.13 NMAC, or are donated and used for scientific or medical education, research, or treatment;
- iii. etiological agents being transported for purposes other than waste processing or disposal pursuant to the requirements of the United States department of transportation (49 CFR 171.1-190) and the New Mexico department of transportation and other applicable shipping requirements;
- iv. reusable or recyclable containers or other non-disposable materials, if they are cleaned and disinfected by a method approved by the secretary pursuant to NMSA 1978 74-9-3 P, or if there has been no direct contact between the surface of the container and materials identified as "infectious waste;"
- v. soiled diapers that do not contain materials identified as infectious waste;
- vi. body excretions such as feces and secretions such as nasal discharges, saliva, sputum, sweat, tears, urine, and vomitus unless visibly contaminated with blood or waste from a person or animal as described in Subparagraph (e) of Paragraph (5) of Subsection I of 20.9.2.7 NMAC; or
- vii. used or unused syringes that have not come into contact with human blood or other bodily fluids or infectious agents and do not have a needle attached.

- *Landfill* - a solid waste facility that receives solid waste for disposal and includes the following categories and classifications (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008]:
 1. category 1 landfill" means a landfill that closed between April 11, 1974 and May 14, 1989;
 2. category 2 landfill" means a landfill that stopped receiving waste between May 14, 1989, and October 9, 1993
 3. category 3 landfill" means a landfill that began operations before October 9, 1993 and continued to operate after October 9, 1993;
 4. category 4 landfill" means a landfill that began operations after October 9, 1993;
 5. category 5 landfill" means a landfill that began operations after the effective date of these regulations;
 6. municipal landfill";
 7. construction and demolition landfill";
 8. special waste landfill"; and
 9. monofill."
- *Land Reclamation* - the filling and restoring of excavated land for the purpose of restoring the land to its approximate natural grade and to prepare or reclaim the land for re-use. Disposal of scrap tires in a permitted or registered solid waste facility is not "land reclamation" (20.9.20.7 NMAC) [Added March 2008].
- *Land Reclamation Project* - a civil engineering application designed to fill and restore land which had been excavated before the project and was not excavated for the burying of scrap tires, and does not include bank stabilization and erosion control projects (20.9.20.7 NMAC) [Added March 2008].
- *Lateral Expansion* - a horizontal expansion of the permitted waste boundaries of a landfill (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Leachate* - the liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from that solid waste (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Lift* - an accumulation of solid waste which is compacted into a cell and over which compacted cover is placed (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].

- *Liner* - a continuous layer constructed of natural or man-made materials beneath and on the sides of a surface impoundment, landfill, or landfill cell that restricts the downward and lateral movement of solid waste, gases or leachate (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Liquid Waste* - any waste material that is determined to contain free liquids, defined by the Paint Filter Test, described in "Test Methods for Evaluating Solid Waste" contained in 20.9.8.11 NMAC (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Lithified Earth Material* - all rock, including metamorphic, igneous, and sedimentary (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Locked facility* - any solid waste facility which has permanently stopped receiving solid waste, but has not yet met the requirements of 20.9.6 NMAC (20.9.2.7 NMAC) [Added March 2008].
- *Lower Explosive Limit* - the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25 degrees C and at atmospheric pressure (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Manure* - a solid waste composed of excreta of animals, residual bedding materials, or other materials that have been used for sanitary or feeding purposes for such animals (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Market Development* - activities to expand or create markets for recyclable and reusable materials (20.9.20.7 NMAC) [Added March 2008].
- *Maximum Containment Level (MCL)* - the level which has been promulgated under section 1412 of the Safe Drinking Water Act (40 U.S.C. Section 300f et seq.) under 40 CFR 141 (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Maximum Horizontal Acceleration in Lithified Earth Material* - the maximum expected horizontal acceleration as depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on site-specific seismic risk (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Modify* - (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008]:
 1. to change material terms or any conditions of a permit, including:
 - i. types of solid waste included in the permit;
 - ii. except as provided in Items (v) and (vi) of Subparagraph (b) of Paragraph (4) of this subsection, to change pollution control systems or water, soil, or gas monitoring programs from those permitted;
 - iii. any change in the fundamental design or method of operation of a solid waste facility from that permitted;
 - iv. any lateral or vertical expansion beyond permitted waste boundaries;
 - v. any change in the facility boundary; or
 - vi. any change in the approved process or method for the treatment of infectious waste; but
 2. "modify" does not include:
 - i. routine maintenance, repair, or replacement;
 - ii. an increase in the disposal rate or process rate, if such increase does not exceed the design capacity of the solid waste facility;
 - iii. a change in the hours of operation, unless such hours are specified in a permit condition;
 - iv. a change in the operating plan that is not the subject of a permit condition;
 - v. substitution, addition, or elimination of a construction material or operational process that provides equivalent or greater environmental protection than the permitted design or process, if specifically approved in writing by the secretary under 20.9.2.13 NMAC;
 - vi. installation of a gas collection and control system required by 40 CFR Part 60, Subparts Cc and www or 20.9.4.16 NMAC and 20.9.5.9 NMAC;

- vii. a permit transfer approved pursuant to 20.9.3.23 NMAC;
 - viii. any approval granted under the provisions of 20.9.2.13;
 - ix. temporary changes allowed by the secretary under Subsection C of 20.9.5.8 NMAC when there is an imminent danger to public health, welfare, or the environment;
 - x. changes to comply with an order of the secretary approving or withdrawing approval of an infectious waste treatment method under Paragraph (4) of Subsection F of 20.9.8.13 NMAC and Subsection G of 20.9.8.13 NMAC;
 - xi. changes to implement a remedy selected by the secretary under 20.9.9.16 NMAC;
 - xii. changes to implement interim measures ordered by the secretary under Subsection F of 20.9.9.15 NMAC; or
 - xiii. addition of a type of solid waste (except for a special waste) if the type is within the definition of construction and demolition debris, and there will be no adverse effect on health and the environment, unless the permit or 20.9.2 - 20.9.10 NMAC specifically excludes the type of waste.
- *Modify* - to change the terms or conditions of a permit or registration including (20.9.20.7 NMAC) [Added March 2008]:
 1. any change in the fundamental method of processing of scrap tires;
 2. any lateral or vertical expansion or alteration of the storage areas of the scrap tires, used tires, or tire derived products;
 3. storage of scrap tires, used tires, or tire derived products beyond the permitted or registered boundaries; but
 4. "modify" does not include:
 - a. routine maintenance, repair, or replacement;
 - b. an increase in the process rate, if such increase does not exceed the design capacity of the tire recycling facility, civil engineering application or violate any condition of the permit;
 - c. a change in the hours of operation, unless such hours are specified in a permit condition;
 - d. a change in the operating plan that is not the subject of a permit condition; and
 - e. temporary changes allowed by the secretary under Subsection B of 20.9.20.39 NMAC and Subsection D of 20.9.20.41 NMAC when there is an imminent danger to public health, welfare, or the environment.
 - *Monofill* - a landfill or cell that receives only scrap tires or only a asbestos waste (20.9.2.7 NMAC) [Added March 2008].
 - *Motor Vehicle* - a vehicle or device that is propelled by an internal combustion engine or electric motor power that is used or may be used on the public highways for the purpose of transporting persons or property and includes any connected trailer or semi-trailer (20.9.20.7 NMAC) [Added March 2008].
 - *Mulch* - a protective covering spread and left up on the ground to reduce evaporation, maintain even soil temperature, prevent erosion, or control weeds (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Municipal Landfill* - a discrete area of land or an excavation that receives municipal solid waste and that is not a land application unit, surface impoundment, injection well or waste pile as these terms are defined in 40 CFR 257.2; "municipal landfill" may include a landfill that is designed to receive other types of RCRA Subtitle D waste such as construction and demolition debris, conditionally exempt small quantity generator waste, industrial solid waste, and special wastes as defined in Paragraph (13) of Subsection S of this section (20.9.2.7 NMAC) [Added March 2008].
 - *Municipal Solid Waste* - household solid waste, commercial solid waste, and industrial solid waste or petroleum contaminated soils that are not a special waste (20.9.2.7 NMAC) [Added March 2008].
 - *Open Burning* - the combustion of solid waste without: (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008]
 1. control of combustion air to maintain adequate temperature for efficient combustion;

2. containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
 3. control of the emission of the combustion products.
- *Operator* - the person(s) responsible for the overall operation of all or any portion of a solid waste facility (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Operator* - the person(s) responsible for the overall operation or construction of all or any portion of a tire recycling facility, civil engineering application, or business that generates or hauls scrap tires (20.9.20.7 NMAC) [Added March 2008].
 - *Owner* - the person(s) who owns the facility or part of a solid waste facility (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Owner* - the person(s) who owns all or part of a tire recycling facility, civil engineering application, or business that generates or hauls scrap tires (20.9.20.7 NMAC) [Added March 2008].
 - *Passenger Tire Equivalent or PTE* - is a conversion factor for converting between numbers of scrap tires and weight; for passenger and light truck tires, the total weight of scrap tires, in pounds, divided by 22.5 pounds produces the passenger tire equivalent. For purposes of this part, any numerical requirement associated with scrap tires may be measured in either PTEs or the actual number of scrap tires (20.9.20.7 NMAC) [Added March 2008].
 - *Permitted Waste Boundary* - the outside boundary of the proposed cells over the expected life of a landfill as specified in the permit or registration (20.9.2.7 NMAC) [Added Revised March 2008].
 - *Person* - any individual, partnership, company, corporation, firm, association, trust, estate, state or federal agency, government instrumentality or agency, institution, county, city, town, village, or municipal authority, or other legal entity however organized (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Person* - any individual, partnership, company, corporation, firm, association, trust, estate, or legal entity, including government entities (20.9.20.7 NMAC) [Added March 2008].
 - *Petroleum Waste* - those liquids and sludges that are accumulated as a result of exploration or production activities regulated under the New Mexico Oil and Gas Act (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
 - *Poor Foundation Conditions* - those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a landfill organized (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Processing* - techniques to change the physical, chemical, or biological character or component of solid waste, but does not include composting or transformation organized (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Processing* - techniques to change physical, chemical or biological character or composition of solid waste but does not include composting, transformation or open burning (20.9.20.7 NMAC) [Added March 2008].
 - *PTE (passenger tire equivalent)* - a standard for quantifying the total weight of a mix of passenger and truck tires without weighing them. A passenger/ light truck tire will equal one PTE (20 pounds) and a heavy truck tire will equal 5 PTEs, (100 pounds) (20.9.2.7 NMAC) [Added September 2003].
 - *Public Entity* - (20.9.20.7 NMAC) [Added March 2008]:
 1. any state or local government;

2. any department, agency, special purpose district, or other instrumentality of federal, state or local government; or
 3. any pueblo, tribe, or Indian nation.
- *Putrescible* - organic material subject to decomposition by microorganisms or organized (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Pyrolysis* - the process whereby solid waste is thermally decomposed in a nitrogen-deficient atmosphere (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Radioactive Waste*: (20.9.2.7 NMAC) [Added March 2008]
 1. high-level radioactive waste or spent nuclear fuel as defined in Section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));
 2. transuranic waste as defined in Section 11(ee) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(ee);
 3. waste source material as defined in Section 11(z) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(z);
 4. waste special nuclear material as defined in Section 11(aa) of the Atomic Energy Act of 1954, 42 U.S.C. 2014(aa);
 5. waste by-product material as defined in Section 11e of the Atomic Energy Act of 1954, 42 U.S.C. 2014(e);
 6. material the nuclear regulatory commission, consistent with existing law, classifies as low level radioactive waste; and
 7. waste radioactive material that requires licensure in accordance with the New Mexico radiation protection regulations, 20.3.3 NMAC.
 - *Recyclable Materials* - materials that would otherwise become solid waste if not recycled and that can be collected, separated, processed, reclaimed or composted and placed in use in the form of raw materials, products or densified-refuse-derived fuels (20.9.2.7 NMAC) [Revised March 2008].
 - *Recycling* - any process by which recyclable materials are collected, separated or processed and reused or returned to use in the form of raw materials or products (20.9.2.7 NMAC) [Added March 2008].
 - *Recycling Facility* - a facility that collects, transfers, or processes recyclable materials for recycling, but does not include a composting facility (20.9.2.7 NMAC) [Added March 2008].
 - *Regulated Facility* - a facility that is: (20.9.2.7 NMAC) [Added March 2008]
 1. a solid waste facility permitted to construct, operate, or close pursuant to the Solid Waste Act, NMSA 1978, Sections 74-9-1, et. seq. and 20.9.2 - 20.9.10 NMAC, or pursuant to the laws or regulations of a neighboring state;
 2. a hazardous waste facility authorized to operate pursuant to interim status or permitted to construct, operate, or close pursuant to the Hazardous Waste Act, NMSA 1978, Sections 74-4-1, et. seq. and the New Mexico hazardous waste management regulations, 20.4.1 NMAC, or pursuant to the laws or regulations of a neighboring state, including all units or areas subject to corrective action requirements under the facility permit or order;
 3. a site listed on the National Priorities List pursuant 42 U.S.C. 9605 or a federal facility required to take response or remedial action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601, et. seq.;
 4. a facility that has, or is required to obtain a Title V air quality permit, 42 U.S.C. 7661 et seq. and 20.7.2.70 NMAC.
 - *Reusable Tire or Used Tire* - a whole tire which has been used but is suitable for reuse for its originally intended purpose and has been specifically separated from scrap tires for reuse or resale. A used tire which appears to be suitable for its originally intended purpose but which has not been separated from scrap tires and stacked either vertically or horizontally shall be considered a scrap tire (20.9.2.7 NMAC) [Added March 2008].

- *Reuse* - of a tire means the return of a tire to use for its originally intended purpose without a change to its original form (20.9.20.7 NMAC) [Added March 2008].
- *Run-off* - any rainwater, leachate, or other liquid that drains over land from any part of a solid waste facility (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Run-on* - any rainwater, leachate, or other liquid that drains over land onto any part of a solid waste facility (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Saturated Zone* - that part of the earth's crust in which all voids are filled with water (20.9.2.7 NMAC) [Added March 2008].
- *Scavenging* - the uncontrolled removal of solid waste from a solid waste facility (20.9.2.7 NMAC) (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Scrap Tire* - a tire, including a baled tire, that is no longer suitable for its originally intended purpose because of wear, damage, defect or obsolescence (20.9.20.7 NMAC) [Added March 2008].
- *Scrap Tire Baling* - the process by which scrap tires are mechanically compressed and bound into block form (20.9.20.7 NMAC) [Added March 2008].
- *Scrap Tire Generator* - a person who generates scrap tires, including retail tire dealers, retreaders, scrap tire processors, automobile dealers, automobile salvage yards, private company vehicle maintenance shops, garages, service stations and city, county and state government, but does not include persons who generate scrap tires in a household or in beneficial agricultural operations (20.9.20.7 NMAC) [Added March 2008].
- *Scrap Tire Hauler* - a person who transports scrap tires for hire for the purpose of recycling, disposal, transformation or use in a civil engineering application (20.9.20.7 NMAC) [Added March 2008].
- *Scrap Tire Manifest* - a document containing information as required by, Section 20.9.20.50, that is necessary to transport scrap tires in the state of New Mexico (20.9.20.7 NMAC) [Added March 2008].
- *Secretary* - the Secretary of the New Mexico Environment Department or her or his designee (20.9.2.7 NMAC) (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Secretary* - the secretary of the New Mexico environment department or his or her designee (20.9.20.7 NMAC) [Added March 2008].
- *Seismic Impact Zone* - an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10 g in 250 years (20.9.2.7 NMAC) (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Septage* - the residual wastes and water periodically pumped from a liquid waste treatment unit or from a holding tank, as defined in 20.7.3.7 NMAC (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Sewage Sludge* - solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes domestic septage, scum or solids removed in primary, secondary, or advanced wastewater treatment processes, and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works (20.9.2.7 NMAC) [Added Revised March 2008].

- *Sludge* - any solid, semi-solid, or liquid waste generated by a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility, but does not include treated effluent from a waste water treatment plant (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Small Animal Crematoria* - a multi-chambered facility designed for the purpose of cremating dead animals and animal parts with a charging capacity of less than five tons per day (20.9.2.7 NMAC) [Added March 2008].
- *Solid Waste* - any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2007]:
 1. drilling fluids, produced waters, and other non-domestic wastes associated with the exploration, development or production, transportation, storage, treatment or refinement of crude oil, natural gas, carbon dioxide gas, or geothermal energy
 2. fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels and wastes produced in conjunction with the combustion of fossil fuels that are necessarily associated with the production of energy and that traditionally have been and actually are mixed with and are disposed of or treated at the same time with fly ash, bottom ash, boiler slag or flue gas emission control wastes from coal combustion
 3. waste from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore, coal, copper, molybdenum, and other ores and minerals
 4. agricultural waste, including, but not limited to, manure and crop residues returned to the soil as fertilizer or soil conditioner
 5. cement kiln dust waste
 6. sand and gravel
 7. solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. Section 1342.
 8. densified-refuse-derived fuel
 9. any material regulated by Subtitle C or Subtitle I of RCRA (except petroleum contaminated soils)
 10. substances other than asbestos regulated by the Federal Toxic Substances Control Act, 15 U.S.C. Sections 2601, et seq., as amended
 11. radioactive waste
 12. whole or processed scrap tires that are stored or used in compliance with provisions of the New Mexico Tire Recycling rule, 20.9.20 NMAC, and applicable law
 13. any recyclable material in transit or temporary storage
 14. compost
 15. materials, other than those that are regulated as hazardous, toxic or special waste, that are retained as evidence in a criminal proceeding and that are required to be destroyed or managed in accordance with a court or administrative order.
- *Solid Waste Disposal Area* - an area where solid waste has been disposed and includes all landfills, and areas where more than 120 cubic yards of solid waste have been disposed but does not include landfills and areas identified as solid waste management units in a hazardous waste facility permit or administrative order (20.9.2.7 NMAC) [Added March 2007]
- *Solid Waste Facility* - any public or private system, facility, contiguous land and structures, location, improvements on the land, or other appurtenances or methods used for processing, transformation, recycling or disposal of solid waste, including landfill disposal facilities, transfer stations, resource recovery facilities, incinerators and other similar facilities not specified. Solid waste facility does not include (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008]:
 1. equipment specifically approved by order of the Secretary to render medical waste generated on site non-infectious

2. a facility that is permitted pursuant to the provisions of the Hazardous Waste Act, NMSA 1978, Sections 74-4-1 through 74-4-14, as amended
 3. a facility fueled by a densified-refuse-derived fuel as long as that facility accepts no other solid waste
 4. a recycling facility that accepts only source separated recyclable materials
 5. that portion of a facility that refurbishes or re-sells used clothing, furniture or appliances for reuse
 6. commercial scrap metal or auto salvage operations
 7. a composting facility that accepts only source separated compostable materials
 8. manufacturing facilities that use recyclable material in production of a new product
 9. facilities designed and operated to dispose of sewage sludge on land, such as land application or land injection
 10. landfarming of petroleum contaminated soils unless within a landfill, where "landfarming" is the remediation of petroleum contaminated soils on the land surface
 11. any facility or location where clean fill material is accepted, stockpiled, or used, if the facility or location would not otherwise be classified as a solid waste facility
 12. collection centers
 13. a facility that uses tire-derived fuel for the purpose of extracting its stored energy
 14. air curtain incinerators.
- *Source Separation* - the setting aside of recyclable materials at the point of generation (household or commercial) by the generator (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
 - *Special Wastes* - the following types of solid wastes that have unique handling, transportation, or disposal requirements to assure the protection of the environment and the public health, welfare, and safety (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008]:
 1. treated formerly characteristic hazardous wastes (TFCH)
 2. packing house and killing plant offal
 3. asbestos waste
 4. ash
 5. infectious waste
 6. sludge, except; sludge that is land applied under 40 CFR Part 503 as intermediate or final cover at a landfill and meets the requirements of Subpart B of 40 CFR Part 503
 7. industrial solid waste that, unless specially handled or disposed, may harm the environment or endanger the public health or safety
 8. spill of a chemical substance or commercial product that, unless specially handled or disposed, may harm the environment or endanger the public health or safety
 9. petroleum contaminated soils that have a sum of benzene, toluene, ethylbenzene, and xylene isomer concentrations of greater than 50 mg/kg, or benzene individually greater than 10 mg/kg, or a total petroleum hydrocarbon concentration of greater than 100 mg/kg.
 - *Special Waste Landfill* - a landfill that receives one or more types of special wastes as defined in Paragraph 13 of Subsection S of this Section (20.9.2.7 NMAC) [Added March 2008].
 - *Stabilized* - for composting, that the biological decomposition of the wastes has ceased or diminished to a level such that decomposition no longer poses a health or safety hazard and does not violate any provisions of these or other applicable regulations (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Storage* - the accumulation of solid waste for the purpose of processing or disposal (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
 - *Storage or Temporary Storage* - storage for a period of time allowed by a permit for storage of scrap tires. Storage or temporary storage does not include a staging area where scrap tires will be staged for 5 days or less during construction (20.9.20.7 NMAC) [Added March 2008].

- *Structural Components* - liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the landfill that is necessary for protection of public health, welfare, and the environment (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Tire* - a continuous solid or pneumatic rubber covering that encircles the wheel of a motor vehicle (20.9.20.7 NMAC) [Added March 2008].
- *Tire-Derived Fuel* - a fuel product derived from scrap tires that is suitable for efficient combustion (20.9.2.7 NMAC) [Added March 2008].
- *Tire-Derived Product* - a usable product produced from the processing of a scrap tire but does not include baled tires (20.9.20.7 NMAC) [Added March 2008].
- *Tire Recycling* - a process in which scrap tires are collected, stored, separated or reprocessed for reuse as a different product or shredded into a form suitable for use in rubberized asphalt or as raw material for the manufacture of other products (20.9.20.7 NMAC) [Added March 2008].
- *Tire Recycling Facility* - a place operated or maintained for tire recycling but does not include (20.9.20.7 NMAC) [Added March 2008]:
 1. retail business premises where tires are sold, if no more than five hundred loose scrap tires or two thousand scrap tires, if left in a closed conveyance or enclosure, are kept on the premises at one time;
 2. the premises of a tire retreading business, if no more than three thousand scrap tires are kept on the premises at one time;
 3. premises where tires are removed from motor vehicles in the ordinary course of business, if no more than five hundred scrap tires are kept on the premises at one time;
 4. a solid waste facility having a valid permit or registration issued pursuant to the provisions of the Solid Waste Act or regulations adopted pursuant to that act or registration issued pursuant to the Environmental Improvement Act; or
 5. a site where tires are stored or used for beneficial agricultural uses.
- *Transfer* - the handling and storage of a solid waste for reshipment, resale, disposal, or for waste reduction or resource conservation (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Transfer Station* - facility managed for the collection and accumulation of solid waste with an operational rate of greater than 240 cubic yards per day monthly average (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Unstable Area* - a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Examples of unstable areas are poor foundation conditions, areas susceptible to mass movements, and Karst terrain areas where Karst topography, with its characteristic surface and subterranean features, is developed as a result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in Karst terrain's include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Vadose Zone* - earth material below the land surface and above ground water, or in between bodies of ground water (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Vector* - any agent capable of transmitting a disease from one individual or organism to another. Vectors include, but are not limited to, mosquitoes, flies and other insects, rodents, and vermin (20.9.20.7 NMAC) [Added March 2008].
- *Vertical Expansion* - an upward or downward expansion of the permitted waste boundaries of a landfill (20.9.2.7 NMAC) [Added March 2008].

- *Vulnerable Area* - an area within a four mile radius from the geographic center of a facility or proposed facility, and (20.9.2.7 NMAC) [Added March 2008]:
 1. has a percentage of economically stressed households greater than the state percentage based on the most recent actual census bureau data within any square mile within the four mile radius surrounding the facility or proposed facility; and
 2. where the New Mexico portion has a population of 50 people or more within any square mile within the four mile radius; and
 3. has within it 3 or more regulated facilities not including the applicant's facility.
- *Waste Management Unit Boundary* - a vertical surface located at the hydraulically downgradient limit of the landfill. This vertical surface extends down in to the uppermost aquifer (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Watercourse* - any river, creek, arroyo, canyon, draw, wash, or any other channel having definite banks, with visible evidence of continuous or intermittent flow of water (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Water Table* - that surface in unconfined groundwater at which the pressure is atmospheric, defined by the levels at which the water stands in wells that penetrate the water just far enough to hold standing water (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *Well* - a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension (20.9.2.7 NMAC) [Citation Revised September 2003; Revised March 2008].
- *Wetlands* - those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (20.9.2.7 NMAC) [Citation Revised September 2003; Citation Revised March 2008].
- *White Goods* - large household appliances (such as ovens, washers, dryers, freezers, water heaters and refrigerators) that have been discarded for disposal or recycling (20.9.2.7 NMAC) [Added March 2008].

**SOLID WASTE MANAGEMENT
GUIDANCE FOR NEW MEXICO CHECKLIST USERS**

REFER TO CHECKLIST ITEMS:

Missing Checklist Items	SO.2.1.NM.
State-Specific Requirements	
General	SO.5.1.NM. and SO.5.2.NM.
Permits/Notifications/Exemptions	SO.6.1.NM. through SO.6.4.NM.
Operations	SO.8.1.NM. through SO.8.7.NM.
Specific Wastes	SO.9.1.NM. through SO.9.8.NM.
Storage/Collection of Solid Waste	SO.10.1.NM.
Solid Waste Handling Facilities	SO.12.1.NM. and SO.12.2.NM.
Transfer Facilities	SO.15.1.NM.
Transportation	SO.20.1.NM. through SO.20.6.NM.
Recycling	[Deleted / Moved]
Municipal Solid Waste Landfills	
Permits	SO.50.1.NM.
Location Restrictions	SO.55.1.NM.
Design Criteria	SO.60.1.NM. through SO.60.3.NM.
Operating Criteria	SO.65.1.NM. through SO.65.6.NM.
Emissions	SO.67.1.NM.
Groundwater Monitoring Criteria	SO.70.1.NM.
Closure Criteria	SO.75.1.NM. and SO.75.2.NM.
Post Closure Care Requirements	SO.80.1.NM.
Documentation	[Deleted]
Ash Handling and Disposal	SO.92.1.NM. through SO.92.5.NM.
Resource Recovery Facilities	SO.95.1.NM.
Medical Waste	
Generators	SO.105.1.NM.
Containers/Labeling/Storage Areas	SO.110.1.NM. and SO.110.2.NM.
Transportation	SO.115.1.NM.
Treatment/Disposal	SO.120.1.NM. through SO.120.5.NM.
Documentation	SO.125.1.NM. through SO.125.4.NM.
Landfills	SO.135.1.NM. through SO.135.9.NM.
Inert Waste Landfills	SO.140.1.NM. through SO.140.5.NM.
Waste Tire Management	SO.160.1.NM. through SO.160.17.NM.
Yard Waste/Composting	SO.165.1.NM. through SO.165.5.NM.
Other Treatment/Processing Units	[Deleted]
Closure of Solid Waste Facilities	SO.180.1.NM. and SO.180.2.NM.

GUIDANCE FOR NEW MEXICO APPENDIX USERS	
REFER TO APPENDIX NUMBERS:	REFER TO APPENDIX TITLES:
9-1	Exemptions to the New Mexico Solid Waste Management Regulations
9-2	Applicability of New Mexico Infectious Waste Regulations
9-3	Design Criteria for Municipal Landfills, Special Waste Landfills, and Monofills
9-4	[Deleted]
9-5	[Deleted]

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>SO.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>SO.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

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<p>STATE-SPECIFIC REQUIREMENTS</p> <p>SO.5. General</p> <p>SO.5.1.NM. The disposal of solid waste must comply with prohibited activities (20.9.2.10(A) (1) through (8), (10), (17), and (18) NMAC) [Citation Revised September 2003; Revised March 2008].</p> <p>SO.5.2.NM. Open burning is prohibited at solid waste</p>	<p>(NOTE: See Appendix 9-1 for exemptions to the solid waste regulations.)</p> <p>Verify that solid waste is not stored, processed, or disposed of except by means approved by the secretary and in accordance with board regulations.</p> <p>Verify that any solid waste is not disposed in this state in a manner that the person knows or should know will harm the environment or endangers the public health, welfare or safety.</p> <p>Verify that any solid waste is not disposed of in a place other than a solid waste facility.</p> <p>Verify that any solid waste, including special waste, is not disposed of in a solid waste facility when that facility's permit does not authorize the disposal of the particular type of solid waste in that facility.</p> <p>Verify that a solid waste facility is not constructed, operated, or closed unless the facility has approval under 20.9.2 - 20.9.10 NMAC from the department for the described action.</p> <p>Verify that petroleum waste, sludge that does not meet the analytical criteria of 20.9.8.16 NMAC, septage, domestic sewage, or treated domestic sewage is not disposed of at any solid waste facility.</p> <p>Verify that hazardous wastes that are subject to regulation under Subtitle C of the Resource Conservation and Recovery Act, 42 USC 6901 et seq, are not disposed of at any solid waste facility, unless the facility is permitted for the disposal of hazardous wastes.</p> <p>Verify that radioactive waste is not processed, recycled, transferred, transformed, or disposed in a solid waste facility.</p> <p>Verify that liquid extraction from sludge is not allowed at a solid waste facility unless authorized by permit.</p> <p>Verify that special waste is not processed, transferred, stored, disposed of at a collection center.</p> <p>(NOTE: See Appendix 9-1 for exemptions to the solid waste regulations.)</p>

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facilities (20.9.2.10 (A) (1 4) NMAC) [Citation R evised March 2008].	Verify that open burning is not allowed at solid waste facilities.

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STATE-SPECIFIC REQUIREMENTS SO.6 Permits/ Notifications/ Exemptions SO.6.1.NM. Construction, operation, modification, or closure of solid waste facilities must be permitted (20.9.3.8, 20.9.3.22 NMAC) [Revised September 2003; Revised March 2008]. SO.6.2.NM. Certain recycling and composting facilities, collection centers, small animal crematoria, and air curtain incinerators must be registered (20.9.3.27 NMAC) [Revised September 2003; Revised March 2008].	<p>Verify that no person constructs, operates, modifies or closes a solid waste facility (see definition) unless the facility has a permit from the Department.</p> <p>Verify that any person who owns or operates an existing solid waste facility for which a permit application has not been submitted submits a permit application within one year of August 2, 2007.</p> <p>(NOTE: If the facility is a landfill that seeks to close rather than continue to operate, the owner or operator shall submit a plan for closure and post closure care for approval within one year of the effective date of this part. The closure and post closure care plan shall meet the requirements of 20.9.6 NMAC.)</p> <p>Verify that no person modifies permit conditions or modifies a solid waste facility without permission from the Secretary for the modification.</p> <p>Verify that a permit is issued by the Secretary before the disposal or processing of any solid waste at a new or modified solid waste facility.</p> <p>Verify that the solid waste facility is operated in accordance with its permit.</p> <p>Verify that the following facilities are registered:</p> <ul style="list-style-type: none"> - recycling facilities that accept only source separated recyclable materials -composting facilities that accept only source separated compostable materials - collection centers - small animal crematoria - air curtain incinerators. <p>Verify that owner or operator of the following facilities file an application for a registration at least 30 days prior to any operations and every 5 years thereafter.</p> <p>(NOTE: Existing facilities of the type listed above must apply for a registration at least 30 days prior to the expiration of their existing permit or registration, or within 2 years after the August 2, 2007, whichever occurs first.)</p> <p>(NOTE: Registration is not required for a recycling facility that accepts only source separated recyclable materials and accepts the recyclables for less than 7</p>

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	<p>days in any calendar year.)</p> <p>(NOTE: Registration is not required for collection facilities that are part of a commercial hauler operation, that have an operational rate of less than 240 cubic yards per day monthly average, and that do not serve the general public, but such facilities shall be included in the registration of the commercial hauler.)</p> <p>Verify that any owner or operator who seeks to register with the Department provides a narrative description of the operating plan for the proposed facility, including but not limited to:</p> <ul style="list-style-type: none"> - the origin, expected composition and weight or volume of solid waste or recyclable materials that is proposed to be received at the facility - the process, the loading rate, the proposed capacity of the facility - expected disposition rate if the recyclables, compost, ash, or waste from the facility - the expected life of the facility - for composting facilities, a demonstration that a groundwater discharge permit has been applied for, if applicable - for air curtain incinerators, a copy of the air quality permit, registration or notice of intent filed with the air quality bureau - for air curtain incinerators, a designation of the intended recipient of ash waste. <p>Verify that the owner or operator complies with the terms of its approved registration.</p> <p>Verify that the owner or operator of a facility updates its registration to reflect any material changes in its operation.</p>
SO.6.3.NM. [Moved March 2008].	(NOTE: Moved to SO.8.7.NM., March 2008.)
SO.6.4.NM. Solid waste facilities must comply with approvals, plans, and registrations (20.9.2.10 (15) and (16) N MAC) [Added March 2008].	<p>Verify that a closed cell or solid waste disposal area is not trenched or excavated without written approval by the department and a determination whether an excavation plan will be required, unless in response to an emergency situation.</p> <p>(NOTE: Excavation and trenching do not include excavations or trenches of less than 120 cubic yards or exploratory borings for the purpose of waste characterization, site investigation or mapping, nor does it include removal of waste for routine maintenance on gas collection and control and venting systems.)</p> <p>Verify that facilities do not violate a term or condition of a closure and post-closure care plan, a registration, or conditions contained in an approval of the</p>

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	department.

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STATE-SPECIFIC REQUIREMENTS SO.8. Operations SO.8.1.NM. [Deleted September 2003]. SO.8.2.NM. The disposal of solid waste in landfills must comply with specific restrictions (20.9.2.10 (A) (9) and (12), and (B) NMAC) [Citation Revised September 2003; Revised March 2008]. SO.8.3.NM. Solid waste facilities must maintain an operating record (20.9.5.16 (A), (B), (C), (E), and (F) NMAC) [Citation Revised September 2003; Revised March 2008].	 (NOTE: Moved to SO.5.1.NM.) Verify that bulk or non-containerized liquid waste is not disposed of at any landfill, unless: <ul style="list-style-type: none"> - the liquid waste is household waste other than septic waste and the container holding liquid waste is a small container similar in size to that normally found in household waste, the container is designed to hold liquids for use other than storage, and the waste is household waste - the liquid waste is leachate or landfill gas condensate generated on-site which is recirculated in accordance with applicable laws and regulations - the liquid waste is managed in accordance with an approval issued by the secretary. (NOTE: The use of uncontaminated water for dust control or to improve vegetation on a final or intermediate cover is not considered disposal.) Verify that infectious waste is not disposed of in a landfill. Verify that any person who generates, stores, processes, transports or disposes of solid waste take reasonable measures to determine the characteristics of the waste being handled to assure that no prohibited act is being performed. Verify that an operating record is kept for each day of operation, monitoring, closure, or post closure activity. Verify that the record includes: <ul style="list-style-type: none"> - type and weight or volume of the solid waste received - state, county, and municipality in which the solid waste originated (and country if other than the U.S.) - the business name of any commercial hauler of solid waste for each load of the solid waste if it can be reasonably obtained - type and weight or volume of non-solid waste materials received - description of solid waste or special waste handling problems or emergency disposal activities - record of deviations from the approved design or operational plan

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<p>SO.8.4.NM. Solid waste facilities must submit an annual report (20.9.5.16 (D) and (F) NMAC) [Revised September 2003 ; Revised March 2008].</p>	<ul style="list-style-type: none"> - for a transfer station, the origin of and destination of the solid waste if transported out of state - all monitoring and testing results - plans for operations, contingencies, detection and identification of unauthorized waste - documentation of the implementation of required plans - copies of special waste manifests - copies of certificates of processing, transformation, or disposal of special wastes - financial assurance information, including a copy of the current standby trust document, current estimates for closure, post-closure care, phase I and phase II assessments and a copy of the financial assurance mechanism being utilized - complete and current copy of the facility permit, final order issuing the permit, and any approvals granted by the secretary - a daily log of construction activities - for landfills, any demonstration made to the Secretary regarding seismic impact areas and unstable areas. <p>Verify that a copy of the operating record for the current month and the previous twelve months, at a minimum, are kept on site, unless the facility no longer accepts solid waste, after which time it is kept in a place where it can be made available to the Department.</p> <p>Verify that owners and operators of solid waste facilities make and maintain an operating record during the post-closure period of the facility for each day that monitoring, corrective action, or other post-closure activity occurs.</p> <p>Verify that records and plans are furnished upon request and made available at all reasonable times for inspection by the Secretary.</p> <p>Verify that operating records for solid waste facilities are retained by the owner or operator through the post-closure period.</p> <p>Verify that an annual report is submitted to the Secretary within 45 days from the end of each calendar year, describing the operations of the past year.</p> <p>Verify that the report includes:</p> <ul style="list-style-type: none"> - the type and weight or volume of solid waste received in each month of the reported year from each state, county, and municipality in which the waste originated - the type and weight or volume of solid waste received from each commercial hauler that delivered waste to the facility - for a landfill, the description of the capacity used in the previous year and the remaining capacity - for a landfill, a description of the acreage used for disposal, the acreage seeded, the acreage where vegetation is permanently established, and a

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<p>SO.8.5.NM. Solid waste facilities must meet general operating requirements (20.9.5.8 NMAC) [Citation Revised September 2003 ; Revised March 2008].</p>	<ul style="list-style-type: none"> - narrative of progress in implementing the closure plan - the type and weight or volume of the special waste received at the solid waste facility in the previous year - a summary of all monitoring results - written notice to the Secretary if a any change in operation has occurred which will reduce the active life of the facility by 25 percent or more - weight or volume of materials recycled during the year - final disposition of materials not stored or recycled - amount of leachate generated and treated - an annual financial assurance certification on forms supplied by the department - the latitude and longitude of the geographical center of the existing or proposed facility (as approved by the department) in NAD-83 or equivalent - any other information requested by the secretary. <p>Verify that copies of annual reports for solid waste facilities are retained by the owner or operator through the post-closure period.</p> <p>Verify that the solid waste facility is operated in a manner that does not cause a public nuisance or create a potential hazard to public health, welfare, or the environment.</p> <p>Verify that the solid waste facility controls and mitigates odor and litter.</p> <p>Verify that signs are posted to indicate the location of the site, the hours of operation, emergency telephone numbers, disposal instructions, and to state that fires and scavenging are prohibited.</p> <p>Verify that a certified operator or representative is present at all times while the facility is operational.</p> <p>Verify that a plan approved by the Secretary is implemented to detect and prevent the disposal of unauthorized waste:</p> <ul style="list-style-type: none"> - inspection frequency - inspection personnel - the method of inspection - a training program for the facility employees in the identification of unauthorized waste including hazardous waste and PCBs. <p>Verify that upon discovery of the receipt of unauthorized waste:</p> <ul style="list-style-type: none"> - the Department, the hauler, and the generator are notified within 48 hours - access to the area is restricted for the public and facility personnel - cleanup, transport, and disposal of the waste are assured. <p>Verify that copies of contingency plans are readily accessible to employees on</p>

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<p>SO.8.6.NM. Landfills and transformation facilities must have certified operators (20.9.7.8 NMAC) [Citation Revised September 2003 ; Revised March 2008].</p> <p>SO.8.7.NM. Solid waste facilities must have a contingency plan (20.9.5.15 NMAC) [Revised September 2003; Revised March 2008; Added March 2008].</p>	<p>duty.</p> <p>Verify that employees are trained when hired and at least annually thereafter on when and how to implement contingency plans and document in the operating record that such training has been conducted.</p> <p>(NOTE: The secretary may order temporary changes in operation or facility design in emergency situations when the secretary determines there is an imminent danger to public health, welfare or the environment.)</p> <p>Verify that, if recyclable materials such as used oil, antifreeze, paint, or similar materials are diverted from the waste stream at a solid waste facility, the materials are stored for no longer than 12 months and are maintained in a covered area, not exposed to the weather, with secondary containment.</p> <p>Verify that owners and operators of landfills and transformation facilities require the managers of those facilities to attend, at least once every 3 years, a training program offered by the department or department certified training program on the subject of environmental justice.</p> <p>Verify that operators of municipal waste incinerators, also meet the training requirements of New Mexico Municipal Waste Combustion rule, 20.2.62 NMAC.</p> <p>Verify that operators of biomedical waste incinerators, also meet the training requirements of New Mexico Biomedical Waste Combustion rule, 20.2.63 NMAC.</p> <p>(NOTE: Operator certification is valid for three years from date of issuance.)</p> <p>(NOTE: The department may certify an operator with alternate training. Alternate training shall be equivalent to or more extensive than the department's course work, and shall be approved by the department.)</p> <p>(NOTE: Moved from SO.6.3.NM., March 2008.)</p> <p>Verify that a current contingency plan is maintained at each solid waste facility and copies provided to the emergency response authority of the local emergency management center.</p> <p>Verify that the contingency plan is designed to minimize hazards to public health, welfare or the environment from fires, explosions, or any release of contaminants or hazardous constituents to air, soil, surface water or ground water.</p> <p>Verify that the owner or operator of a solid waste facility implements the</p>

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	<p>provisions of the plan immediately whenever there is a fire, explosion, or release of contaminants or hazardous waste constituents which could threaten public health, welfare or the environment.</p> <p>Verify that the contingency plan is amended immediately, if necessary, whenever:</p> <ul style="list-style-type: none"> - the facility permit is renewed or modified - the plan fails in an emergency - the facility's design, operations, maintenance, or other circumstances change in a way that increases the potential for fires, explosions, or releases of hazardous constituents, or necessitate changes to the planned emergency response - the list of emergency coordinators changes - the list of emergency equipment changes. <p>Verify that the contingency plan for emergencies includes, if applicable:</p> <ul style="list-style-type: none"> - description of the actions facility personnel take in response to fires, explosions, or releases of contaminants or hazardous waste constituents to air, soil, surface water, or ground water - description of arrangements with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services - lists names, addresses, and phone numbers (office and home) of the Emergency Coordinator(s) - an evacuation plan for facility personnel which describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in cases where the primary routes could be blocked by fire or releases of wastes - an evaluation of potential contaminants, potential media contaminated, and procedures for investigation, containment, and correction or remediation - when the contingency plan is amended - instructions for the emergency coordinator or his designee, in case of an imminent or actual emergency situation, to immediately: <ul style="list-style-type: none"> - activate internal facility alarm or communication systems, where applicable, to notify all facility personnel - notify appropriate state and local agencies with designated response roles if their assistance is needed - instructions for the emergency coordinator, whenever there is a release, fire, or explosion, to as quickly as possible identify the nature, source, amount, and extent of any release by means of observation, review of facility records or manifests, or if necessary, by chemical analysis - instructions for the emergency coordinator to assess possible hazards to public health, welfare or the environment that may result from the release, fire, or explosion - instructions for the emergency coordinator to provide for monitoring for leaks, pressure buildup, gas generation or rupture in valves, pipes, or equipment, if appropriate - instructions for the emergency coordinator to provide for appropriate

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	<p>treatment, storage, or disposal of recovered waste, or any other material that results from a release, fire, or explosion at a facility, after the emergency situation is under control</p> <ul style="list-style-type: none"> - instructions for the emergency coordinator to ensure that waste which may be incompatible with the released material is not treated, stored, or disposed until cleanup procedures are complete.

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<p>STATE-SPECIFIC REQUIREMENTS</p> <p>SO.9. Specific Wastes</p> <p>SO.9.1.NM. Disposal of lead acid batteries is prohibited at landfills and incinerators (20.9.2.10 (11) NMAC) [Citation Revised September 2003; Revised March 2008].</p> <p>SO.9.2.NM. Special waste must meet storage and management requirements (20.9.8.10 NMAC) [Citation Revised September 2003 ; Revised March 2008].</p>	<p>Verify that lead-acid batteries are not disposed of in landfills or incinerators.</p> <p>(NOTE: See definitions for a list of special wastes.)</p> <p>Verify that special waste is not stored for longer than 90 days from the date the waste is placed in storage awaiting transportation, processing, or final disposal, unless otherwise approved by the department.</p> <p>Verify that no person other than the generator stores infectious waste for over 7 days without refrigeration at or below 45 degrees Fahrenheit.</p> <p>Verify that the generator of special waste assures that all containers of special waste when deemed full and placed in storage are clearly labeled or marked, indicating the name and address of the generator, contents, date placed in storage and potential health, safety, and environmental hazards associated with the waste.</p> <p>Verify that the generator of special waste assures that all containers of special waste that are prepared for transportation are clearly labeled or marked, indicating the name and address of the generator, contents, and potential health, safety, and environmental hazards associated with the waste.</p> <p>Verify that the hauler of special waste assures that all containers of special waste are clearly labeled or marked prior to transportation, indicating the name and address of the generator, contents, date transported, and potential health, safety, and environmental hazards associated with the waste.</p> <p>Verify that any generator or hauler of special waste assures that a manifest in accordance with 20.9.8.19 NMAC accompanies each load of special waste originating in or to be disposed in New Mexico.</p> <p>Verify that the hauler of special waste carries an appropriate clean-up kit in each vehicle used for hauling.</p>

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<p>SO.9.3.NM. The generator of special wastes must document the physical and chemical characteristics of all special wastes for storage, transportation or disposal (20.9.8.11 NMAC) [Citation Revised September 2003 ; Revised March 2008].</p>	<p>Verify that, prior to storage, transportation, or disposal, the physical and chemical characteristics of all special wastes are documented by means of the following:</p> <ul style="list-style-type: none"> - records of the results of applicable analyses - detailed descriptions of the generator's knowledge of specific wastes. <p>Verify that all laboratory analyses are performed by a laboratory that follows EPA quality assurance and quality control procedures in accordance with EPA approved analytical methods, or other methods acceptable to the Department.</p> <p>Verify that representative samples are analyzed in conformance with the following parameters as appropriate:</p> <ul style="list-style-type: none"> - ignitability characteristic as defined in 40 CFR 261 - corrosive characteristic as defined in 40 CFR 261 - reactivity characteristic as defined in 40 CFR 261 - toxicity characteristic as defined by U.S. EPA Test Method 1311: Toxicity Characteristic Leaching Procedure (TCLP) - Paint Filter Liquids Test as defined by U.S. EPA Test Method 9095 - additional parameters as identified by the Department - Resource Conservation and Recovery Act (RCRA) Subtitle C listed wastes as defined in 40 CFR 261 - Toxic Substance Control Act (TSCA), Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
<p>SO.9.4.NM. Special waste generators, haulers, and facilities must meet disposal requirements (20.9.8.8, 20.9.8.9, and 20.9.8.18 NMAC) [Revised September 2003; Revised March 2008].</p>	<p>Verify that solid waste facilities do not accept special waste unless the facility owner or operator has a permit to accept the type of special waste for disposal, transfer, processing, or transformation.</p> <p>Verify that haulers of special waste do not deliver special waste to any place or person except a facility permitted for the special waste.</p> <p>Verify that solid waste facility owners or operators, who wish to receive special wastes that do not have specified disposal requirements, submit a disposal management plan, as specified in Subsection C of 20. 9.3.9 N MAC, to the Department for approval.</p> <p>Verify that the approved disposal management plan is followed.</p> <p>Verify that generators of special waste assure that the special waste is disposed of in a solid waste facility permitted to accept the waste.</p>

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SO.9.5.NM. Each load of Department-specified special waste must meet manifest requirements (20.9.8.19 NMAC) [Citation Revised September 2003 ; Revised March 2008].	<p>Verify that the manifest includes the following information:</p> <ul style="list-style-type: none"> - name, address, and phone number of the generator of the special waste - name, address and phone number of any and all commercial haulers in the order that each will be transporting the waste - name, site address, phone number, and identification number of the solid waste facility where the waste is delivered - type and proper name of waste being shipped - total weight or volume of waste prior to shipment from generator - total weight or volume of waste received at solid waste facility - type and number of containers in shipment - any special handling instructions. <p>Verify that the generator signs the manifest and obtains the signature of the initial transporter and date of acceptance on the manifest, and retains a copy of the manifest.</p> <p>Verify that each hauler obtains the signature of the individual who accepts the special waste for storage, further transportation or disposal, retains a copy of the manifest, and provides the original manifest to the next hauler or solid waste facility operator who receives the special waste.</p> <p>Verify that the manifests accurately reflect the required information and are signed by the generator and each commercial hauler of the special waste, and by the solid waste facility owner or operator, acknowledging delivery, quantity, and receipt of the waste.</p> <p>(NOTE: All signatories must be duly authorized agents of their organizations.)</p> <p>Verify that the Department, the generator, commercial hauler, and the solid waste facility are notified within 24 hours of the discovery of any significant discrepancy, including but not limited to:</p> <ul style="list-style-type: none"> - factual misrepresentation on the manifest - irregularities in transportation - discharges - any unauthorized action in regard to the shipment, delivery, or disposal of the solid waste. <p>Verify that, upon receipt of a special waste shipment at the solid waste facility, a signed copy of the manifest is sent back to the generator within 30 days.</p> <p>Verify that a copy of the manifest is retained by the each hauler and the solid waste facility for their operating records.</p> <p>Verify that the generator retains for a period of 3 years both the originating copy and the returned original manifest signed by the solid waste facility owner or operator and all haulers transporting the waste.</p>

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<p>SO.9.6.NM. Petroleum-contaminated soils disposed of or treated at a landfill or composting facility must meet specific standards (20.9.8.15 (A) and (B) NMAC) [Citation Revised September 2003 ; Revised March 2008].</p> <p>SO.9.7.NM. Temporary storage and remediation of petroleum-contaminated soil at a solid facility must meet specific standards (20.9.8.15 (C), (E), (F), and (G) NMAC) [Revised September 2003 ; Revised March 2008].</p>	<p>Verify that haulers retain a copy of the manifest for a period of 3 years.</p> <p>Verify that copies of the manifest are retained by the solid waste facility throughout the post-closure period.</p> <p>Verify that all soils suspected to be contaminated with petroleum products are tested for Total Petroleum Hydrocarbons (TPH) and other contaminants as deemed necessary by the Secretary to determine the contaminants of the soil.</p> <p>(NOTE: The frequency of sampling must be one representative sample per 100 cubic yards of contaminated soil, unless an alternative frequency is permitted or specifically approved by the secretary .)</p> <p>Verify that results of the laboratory analyses are placed in the daily operating record.</p> <p>Verify that petroleum-contaminated soils pass the Paint Filter Test before they are accepted at a landfill.</p> <p>Verify that the Paint Filter Test results are placed in the daily operating record.</p> <p>Verify that temporary storage on-site of petroleum contaminated soil is meets the following criteria:</p> <ul style="list-style-type: none"> - in a bermed area on an impermeable liner - in a manner that does not contaminate ground water, surface water, air or uncontaminated soil above regulatory limits. <p>Verify that remediation is not considered adequate until the following conditions are met in a soil sample of what appears to be the most heavily contaminated soil:</p> <ul style="list-style-type: none"> - the sum of benzene, toluene, ethylbenzene, and xylene (BTEX) isomer concentrations is less than 500 mg/kg, with benzene individually less than 10 mg/kg - the TPH concentration is less than 1000 mg/kg. <p>Verify that uncontaminated or remediated soils are not mixed with contaminated soils.</p> <p>Verify that a written report is submitted to the Department documenting remediation.</p> <p>Verify that, when permitted facilities not otherwise authorized to accept petroleum contaminated soil for remediation remediate petroleum contaminated soil generated at the facility, the volume of contaminated soil does not exceed 50</p>

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<p>SO.9.8.NM. The disposal of remediated petroleum-contaminated soil must meet specific standards (20.9.8.15 (D) and (G) NMAC) [Citation Revised September 2003 ; Revised March 2008].</p>	<p>cubic yards and the area where the petroleum contaminated soil is remediated is restricted from public access.</p> <p>(NOTE: Remediation shall be complete when the soil meets the standards in 20.5.12.1202 NMAC or other applicable standards.)</p> <p>Verify that remediated petroleum contaminated soil is disposed at a landfill authorized to accept petroleum contaminated soils.</p> <p>Verify that petroleum contaminated soils that have been remediated at the landfill are removed only if the soil complies with applicable environmental laws.</p> <p>(NOTE: Remediated petroleum contaminated soil may not be removed from the facility for beneficial use as clean fill, as the soil does not constitute clean fill as defined in Paragraph (4) of Subsection C of 20.9.2.7 NMAC.)</p>

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<p>SO.10.</p> <p>STORAGE/COLLECTION OF SOLID WASTE</p> <p>SO.10.1.NM. The storage and collection of solid waste must comply with general requirements (20.9.2.8 (A), (B), (C)NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>Verify that any person who generates solid waste stores the solid waste in suitable storage containers for the solid waste, unless the solid waste is construction and demolition debris, yard refuse, or white goods.</p> <p>Verify that storage containers prevent insect and rodent harborage and are kept covered and reasonably clean.</p> <p>Verify that outside containers also prevent blowing litter, be leak-proof and:</p> <ul style="list-style-type: none"> - if manually handled by a commercial or municipal hauler, be of sufficient size and weight bearing capacity to be safely handled without presenting undue risk of harm to human health or the environment, with safe, usable handles, or bags that are not filled to an extent that they rupture with normal handling - if mechanically handled, be compatible with collection vehicles.

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<p>SO.12.</p> <p>SOLID WASTE HANDING FACILITIES</p> <p>SO.12.1.NM. Recycling facilities that accept solid waste and processing facilities must meet additional operational requirements (20.9.5.13 NMAC) [Added March 2008].</p> <p>SO.12.2.NM. Recycling facilities must meet additional requirements for certified operators and annual reports (20.9.5.27 (I) and (J) NMAC)</p>	<p>Verify that key operational procedures are prominently posted.</p> <p>Verify that any special wastes storage meets the following requirements:</p> <ul style="list-style-type: none"> - is in separate, clearly marked areas - is in covered buildings - is in covered leak-proof containers, or in tanks labeled with a description of the contents and the date the wastes were placed in storage. <p>Verify that audible signals are provided to alert operating personnel of critical operating unit malfunctions.</p> <p>Verify that sampling points are provided for each process stream and do not interfere with normal facility operation.</p> <p>Verify that periodic wash-down or other cleanup of the facility is provided and any waste waters are disposed in accordance with all applicable state and federal regulations.</p> <p>Verify that waste residues are stored by means that prevent the material and containers from falling, leaking, blowing, and exposure to the weather.</p> <p>Verify that all materials that are physically or chemically incompatible are stored in separate areas.</p> <p>Verify that storage capacity is provided for any special waste by-products generated during the initial start-up characterization period.</p> <p>Verify that containers that have the potential of discharging any oils, polychlorinated biphenyls (PCB's), battery acid, battery alkalines, or other liquids are stored in a restricted area identified by signs on a covered, substance-compatible, bermed containment pad.</p> <p>Verify that a schedule and contacts for removal of stored wastes is included in the operations and maintenance manual.</p> <p>Verify that the owner or operator of every recycling facility and composting facility have a certified operator or representative present at all times while the facility is being operated.</p> <p>Verify the owner or operator of a recycling facility or composting facility that</p>

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[Added March 2008].	<p>accepts only source separated recyclable or compostable materials submit an annual report to the department within 45 days from the end of each calendar year, describing the operations of the past year.</p> <p>Verify that the reports are certified as true and accurate by the owner or operator and include:</p> <ul style="list-style-type: none"> - the type and weight or volume of recyclable material received during the year - the type and weight or volume of recyclable material sold or otherwise disposed off site during the year - final disposition of material sold or otherwise disposed off-site - any other information requested by the secretary.

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<p>SO.15</p> <p>TRANSFER FACILITIES</p> <p>SO.15.1.NM. Transfer facilities must meet additional operational requirements (20.9.5.11 N MAC) [Added March 2008].</p>	<p>Verify that the transfer station accepts special wastes only when specifically authorized to do so by a permit.</p> <p>Verify that containers used for storage of solid waste that are leak-proof and manufactured of non-biodegradable material.</p> <p>Verify that adequate means are provided to control litter and prevent and extinguish fires.</p> <p>Verify that any recycling operations are conducted in a safe and sanitary manner, confined to an area remote from the tipping area, and in a manner that does not interfere with transfer operations.</p> <p>Verify that recyclable materials are stored in a manner that does not create a nuisance, harbor vectors, or create a public health hazard, and remove recyclable materials in a timely manner.</p> <p>Verify that sufficient unloading areas are provided to meet demands of peak periods.</p> <p>Verify that adequate off-street parking facilities for transfer vehicles are provided.</p> <p>Verify that collection or transfer vehicles containing putrescible materials are not parked on public streets or roads except under emergency conditions.</p> <p>Verify that solid waste is removed from the station at the end of the operating day unless otherwise approved in the permit.</p> <p>Verify that separate storage areas are provided for bulky wastes, such as brush, white goods, appliances, and scrap tires, and remove the bulky wastes at a frequency approved in the permit.</p>

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<p>SO.20.</p> <p>TRANSPORTATION</p> <p>SO.20.1.NM. Commercial haulers of solid waste must comply with specific operation requirements (20.9.5.14 (A) and (B) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p>	<p>Verify that solid waste is collected and transported so as to prevent environmental, safety, and public health or welfare hazards and nuisances.</p> <p>Verify that equipment is designed and operated so as to be leak proof and protective of human health and the environment.</p> <p>Verify that solid waste is covered or enclosed so as to prevent roadside littering during transportation.</p> <p>Verify that collection and transportation equipment is kept in a sanitary condition through the use of sufficient washings and clean outs.</p> <p>Verify that waste is only transported to a facility that is permitted or registered under 20.9.2 - 20.9.10 NMAC or that is authorized by another government.</p> <p>(NOTE: The above is not to be construed to limit initial sorting of solid waste on site.)</p> <p>Verify that all solid waste spilled during collection and hauling operations is cleaned up immediately.</p> <p>Verify that all collection vehicles are conspicuously labeled with the company, municipality, or county department name and the environment department registration number.</p> <p>Verify that reasonable measures are taken to assure that unauthorized wastes are not accepted.</p> <p>Verify that, if hauling special waste, an approved contingency plan and clean-up kit are carried on the collection vehicle.</p> <p>Verify that the owner or operator of a hauling system notifies the Department in writing of any major changes in collection or disposal facility being utilized.</p>
<p>SO.20.2.NM. Commercial haulers of solid waste must comply with recordkeeping requirements (20.9.5.14 (D) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ;</p>	<p>Verify that the owner or operator of a commercial hauling system maintains a continuous operating record for at least the preceding 3 years that includes:</p> <ul style="list-style-type: none"> - type and weight or volume of solid waste hauled - state, county, and municipality in which the solid waste originated - solid waste facilities utilized.

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Revised March 2008]. SO.20.3.NM. [Deleted March 2008]. SO.20.4.NM. Commercial haulers of solid waste must be registered with the Department (20.9.3.31(A) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008]. SO.20.5.NM. [Deleted September 2003]. SO.20.6.NM. All haulers of special waste must be registered with the Department (20.9.3.31 (B) NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised March 2008].	 (NOTE: 20.9.1.400(H)(6) NMAC repealed) Verify that a commercial hauler of solid waste is registered with the Department 30 days prior to beginning operations and every 5 years thereafter. (NOTE: 20.9.1.700(G)(1) NMAC moved to SO.92.2.NM.) Verify that all haulers that transport special waste meet the following requirements: <ul style="list-style-type: none"> - register with the department on a form provided by the department - submit the exact locations and permit number(s) of solid waste facilities to be used - submit a contingency plan to address potential emergency situations to the department for approval - submit a list of contents of clean-up kits to be carried in each vehicle used for hauling.

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<p>SO.25.</p> <p>RECYCLING</p> <p>SO.25.1.NM. [Moved March 2006].</p> <p>SO.25.2.NM. [Deleted March 2006].</p>	<p>(NOTE: Moved to SO.175.6.NM., March 2006).</p>

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.50. Permits</p> <p>SO.50.1.NM. The construction, operation, modification, or closure of a municipal landfill must meet permit requirements (20.9.2.14 NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised March 2008].</p>	<p>Verify that a permit is obtained for the following:</p> <ul style="list-style-type: none"> - construction, operation, or closure of a municipal landfill - modification of an existing municipal landfill - an existing municipal landfill for which the Secretary has requested a permit application. <p>(NOTE: Owners or operators of new or existing municipal landfills that dispose of less than 20 tons of solid waste daily, based on an annual average, and do not accept any special waste other than regulated asbestos, may apply in the permit application or for a specific approval for a waiver from the design requirements of 20.9.4.13 - 20.9.4.15 NMAC and ground water monitoring requirements in 20.9.9.8 - 20.9.9.11 NMAC. If a waiver is, then the secretary may require the owner or operator to submit a ground water monitoring system plan and ground water monitoring plan for approval, and to conduct periodic ground water and vadose zone monitoring, at any time during the active life or post-closure period to demonstrate the landfill is not contaminating ground water. The secretary may also require a ground water monitoring system plan and a ground water monitoring plan to be submitted in the application. If ground water contamination from the landfill is detected after a waiver has been granted under this section, the waiver is revoked and the requirements of 20.9.4.13 - 20.9.4.15 NMAC and 20.9.9.8 - 20.9.9.11 NMAC shall thereafter apply.)</p>

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.55. Location Restrictions</p> <p>SO.55.1.NM. Municipal and special waste landfills must comply with specific siting criteria (20.9.4.9 NMAC) [Citation Revised August 1998; Revised September 2003; Revised March 2008].</p>	<p>(NOTE: These requirements apply to municipal, construction and demolition, and special waste landfill or monofill.)</p> <p>Verify that construction and demolition meet the following siting criteria:</p> <ul style="list-style-type: none"> - in a floodplain, within 500 feet of a wetlands, or within 200 feet of a watercourse unless the watercourse has been altered pursuant to an approval from the army corps of engineers or other appropriate authority - where the top of the uppermost aquifer will be closer than 100 feet to the bottom of the fill, or for construction and demolition landfills that do not accept more than 25 tons per day annual average, where the top of the uppermost aquifer will be closer than 50 feet to the bottom of the fill - where new, abandoned, or exploration subsurface mines registered with the New Mexico department of energy, minerals and natural resources may pose a risk of subsidence or instability - within 200 feet of a fault that has had a displacement within Holocene time (i.e., the past 11,000 years), unless the owner or operator demonstrates to the secretary that an alternative setback of less than 200 feet will prevent damage to the structural integrity of the facility and will be protective of public health, welfare and the environment - within historically or archaeologically significant sites, unless in compliance with the Cultural Properties Act, NMSA 1978, Sections 18-6-1 to 18-6-23 and the Prehistoric and Historic Sites Preservation Act, NMSA 1978, Sections 18-8-1 to 18-8-8 - within 1,000 feet of a public water supply well or a private drinking water supply well with a sustainable yield of 100 gallons per minute or more, unless, in the case of registered unpermitted landfills, the well was constructed after the landfill began operations - within 350 feet of a public water supply well or private well with a maximum sustainable yield of less than 100 gallons per minute, unless the well was constructed after the landfill began operations or the well was installed by the landfill owner or operator for operational use - within the distance to airports set by the federal aviation administration unless the landfill owner or operator demonstrates that the federal aviation administration does not object to construction and operation of the landfill at the proposed site - within 50 feet of the facility property boundaries nor within 500 feet of a permanent residence, school, hospital, institution or church, or unless, in the case of registered unpermitted landfills, the permanent residence, school, hospital, institution or place of worship was constructed after the landfill began operations - in an active alluvial fan (i.e., areas being currently aggraded by either

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	<p>permanent or intermittent streams</p> <ul style="list-style-type: none"> - within areas that will result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in either 50 CFR Part 17 or by the New Mexico department of game and fish in its most recent biennial review - within seismic impact zones, unless the owner or operator demonstrates that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site - within a n unstable area, unless the owner or operator demonstrates that engineering measures have been incorporated into the landfill design to ensure that the integrity of the structural components of the landfill will not be disrupted.

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.60. Design Criteria</p> <p>SO.60.1.NM. Municipal and special waste landfills must meet design criteria for liners (20.9.4.13 NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p> <p>SO.60.2.NM. Municipal and special waste landfills must meet design criteria for leachate collection systems (20.9.5.15 NMAC) [Added September 2003 ; Revised March 2008].</p>	<p>Verify that all new municipal and special waste landfills and lateral expansions to existing municipal and special waste landfills provide a containment layer beneath the solid waste.</p> <p>Verify that the liners meet design criteria specified in Appendix 9-3.</p> <p>Verify that all liners and protective layers include a leachate collection system.</p> <p>Verify that the leachate collection system incorporates a piping collection network comprised of perforated pipe having a minimum diameter of 6 inches and a minimum wall thickness of schedule 80 PVC or equivalent.</p> <p>Verify that the leachate collection system is designed and constructed to do all the following:</p> <ul style="list-style-type: none"> - maintain less than a one-foot depth of leachate on the liner - maintain a minimum of 2 percent slope throughout the system - withstand chemical attack from waste or leachate - withstand the loads, stresses, and disturbances from overlying waste, waste cover materials, and equipment operation. <p>Verify that any geosynthetic materials, such as geonets and geotextiles, if used as components of the leachate collection system, have a hydraulic conductivity, transmissivity, and chemical and physical qualities that will not be adversely affected by waste placement, equipment, operation, or leachate generation.</p> <p>Verify that these geosynthetics, if used and operating in conjunction with the soil protective cover for the liner, have a hydraulic conductivity and transmissivity designed to ensure the hydraulic head on the liner never exceeds one foot.</p> <p>Verify that a written leachate management plan is approved by the secretary.</p> <p>Verify that the plan describes anticipated amounts of leachate, duration of generation and final disposal options for the leachate and include:</p> <ul style="list-style-type: none"> - a description of the means of analysis - a description of the type of treatment and proposed disposal method.

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<p>SO.60.3.NM. Municipal and special waste landfills must meet design criteria for landfill gas control systems, when required (20.9.4.16 NMAC) [Added September 2003; Revised March 2008].</p>	<p>Verify that Leachate storage and collection ponds are designed to meet the requirements of 20.9.4.13 NMAC.</p> <p>(NOTE: A pond may be designed to maintain greater than one foot of leachate, provided it is equipped with a double, composite liner as specified in 20.9.4.13 NMAC, or an alternative design providing equivalent protection and approved in the permit.)</p> <p>Verify that, when required by the Secretary, the owner and operator of a municipal or special waste landfill installs a landfill gas control system.</p> <p>Verify that the landfill gas control system conforms to the requirements in checklist item SO.65.5.NM. (20.9.5.9 NMAC).</p> <p>(NOTE: The disposal plan shall be submitted with a permit application or as a request for a specific approval. In addition, if the gas control system is not subject to the Air Quality Control Act, NMSA Sections 74-2-1, et seq., the owner or operator shall include the following information in its submission:</p> <ul style="list-style-type: none"> - the design of the system, indicating the location and design of vents, barriers, collection piping and manifolds and other control measures that will be installed - if gas recovery is proposed, the design of the proposed gas recovery system and the major on-site components of the system including storage, transportation, processing, treatment or disposal measures required in the management of the generated gases, condensates or other residues.) <p>Verify that, if gas processing is proposed, the system is designed:</p> <ul style="list-style-type: none"> - in a manner that does not interfere or conflict with the activities on the site or required control measures - without creating or causing danger to persons or property. <p>Verify that, if gas disposal is proposed, the system is designed:</p> <ul style="list-style-type: none"> - in a manner that does not interfere or conflict with the activities on the site or required control measure - without creating or causing danger to persons or property - with active forced ventilation, using vents located at least one foot above the landfill surface at the location of each gas vent.

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.65. Operating Criteria</p> <p>SO.65.1.NM. Municipal and special waste landfills that receive solid waste of any quantity must comply with specific operating requirements (20.9.5.9 (A), (E), (F), (H), and (L) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p> <p>SO.65.2.NM. The recycling operations at municipal and special waste landfills must comply with specific</p>	<p>Verify that the municipal or special waste landfill owner or operator utilizes the principles of sanitary engineering to confine the working face to the smallest practical area and to compact the solid waste to the smallest practical volume.</p> <p>Verify that exposure of landfill employees and the public is minimized to animal carcasses and offal, and immediately cover such wastes when they are received.</p> <p>Verify that the owner or operator controls run-on water onto the site and run-off water from the site.</p> <p>Verify that a run-on control system prevents flow onto the active portion of the landfill during the peak discharge from a 25-year storm.</p> <p>Verify that a run-off control system from the active portion of the landfill collects and controls at least the water volume resulting from a 24-hour, 25-year storm.</p> <p>Verify that run-off from the active portion of the landfill is not allowed to discharge any pollutant to the waters of the State or the U.S. that violates any requirements of the New Mexico Water Quality Act, Commission regulations and standards or the Federal Clean Water Act.</p> <p>Verify that scavenging is prohibited.</p> <p>Verify that the municipal or special waste landfill owner or operator directs the deposit of hot waste at a specific location at the facility that is remote from the operating area.</p> <p>Verify that the hot waste is immediately spread out for cooling and extinguished if on fire.</p> <p>Verify that the hot waste is not mixed with the regular solid waste stream until it reaches a temperature that will not provide combustion of any solid waste.</p> <p>Verify that the solid waste facility is operated to control litter, disease vectors, and odors.</p> <p>Determine whether recycling operations are conducted.</p> <p>Verify that recycling operations meet the following requirements:</p>

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<p>requirements (20.9.5.9 (P) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p> <p>SO.65.3.NM. Owners and operators must provide and maintain specific access, safety, and equipment requirements (20.9.5.9 (D), (G), (I), (J), (Q), (M), and (R) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Citation Revised March 2007; Revised March 2008].</p> <p>SO.65.4.NM. Municipal and special waste landfill covers must meet specific requirements (20.9.5.9 (N) and (O) N MAC) [Citation Revised August 1998; Citation Revised September</p>	<ul style="list-style-type: none"> - diversion is performed in a sanitary manner - storage is confined to an area remote from the operating area of the landfill, and in a manner that does not interfere with or delay the operation of the landfill or create a nuisance, litter problem, vector harborage, or public health hazard - all recyclable materials are removed from the facility in a timely manner such that the area does not become a permanent storage area - recyclables are stored in such a manner so that the area is clean, materials are separated by type, and the potential for contamination is minimized. <p>Verify that the municipal or special waste landfill owner or operator provides and maintains access roads at the facility.</p> <p>Verify that traffic can enter and exit the site safely, flow smoothly, and will not be interrupted by inclement weather.</p> <p>Verify that unauthorized access is prevented by the public and entry by large animals to the active portion of the landfill through the use of fences, gates, locks, or other means.</p> <p>Verify that adequate means are provided to prevent and extinguish fires.</p> <p>Verify that sufficient unloading areas are provided to meet demands of peak periods.</p> <p>Verify that owners or operators of municipal or special waste landfills permitted after September 2, 2007 to accept 25,000 tons per year or more, prior to commencing operations, install scales at the landfill and weigh incoming waste.</p> <p>Verify that owners or operators of municipal or special waste landfills permitted or registered before after September 2, 2007 to accept 25,000 tons per year or more, install, no later than 5 years after the effective date, scales at the landfill and weigh incoming waste.</p> <p>Verify that the Department is notified prior to installing exploratory borings for the purpose of waste characterization or mapping or removing waste for routine maintenance on gas collection and control or venting systems, unless the event involves less than 120 cubic yards of solid waste.</p> <p>Verify that the active face is covered with a 6 -inch layer of earth or specifically approved alternate daily cover at the conclusion of each day's operation or more often as conditions may dictate.</p> <p>(NOTE: Landfills that receive less than 20 tons of waste per day annual average or monofills, the permit may allow alternate frequencies to the daily cover</p>

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<p>2003; Revised March 2008].</p> <p>SO.65.5.NM. Municipal and special waste landfills must limit methane gas concentrations (20.9.5.9 (B) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p>	<p>requirements.)</p> <p>Verify that the owner or operator provides intermediate cover which is:</p> <ul style="list-style-type: none"> - one foot thick - placed on all areas of a landfill that will not receive further waste for 60 days or longer, but have not reached final elevation - stabilized with vegetation on any areas that will be inactive for more than 2 years - constructed and maintained to prevent erosion and infiltration. <p>Verify that all municipal or special waste landfill owners and operators prevent the generation and lateral migration of methane gas.</p> <p>Verify that the concentration of methane generated by the facility does not exceed 25 percent of the lower explosive limit for the gases in facility structures.</p> <p>(NOTE: This requirement does not apply to gas control or recovery system components.)</p> <p>Verify that the concentrations of methane gas do not exceed the lower explosive limit for the gases at the facility property boundary.</p> <p>Verify that a routine methane monitoring program is implemented to ensure that methane levels are met.</p> <p>Verify that the minimum frequency of monitoring is quarterly, except that landfills that receive less than 20 tons per day annual average, or closed prior to October 9, 1993.</p> <p>(NOTE: Monofills may be permitted for less frequent monitoring, provided on-site measurements indicate methane levels are consistently less than 25 percent of the LEL for methane.)</p> <p>Verify that if methane gas levels exceed the specified limits, the owner or operator:</p> <ul style="list-style-type: none"> - immediately takes all necessary steps to ensure protection of public health, welfare and the environment - notifies the Secretary - within 7 days of detection, records the methane gas levels detected and a description of the steps taken to protect public health, welfare and the environment - within 60 days of detection, implements a remediation plan for the methane gas releases - notifies the Secretary that the remediation plan has been implemented. <p>Verify that the remediation plan describes the nature and extent of the problem</p>

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<p>SO.65.6.NM. Municipal and special waste landfills must operate leachate collection systems according to an approved leachate management plan (20.9.5.9 (K) NMAC) [Added September 2003 ; Revised March 2008].</p>	<p>and proposed remedy.</p> <p>(NOTE: All liners and protective layers must include a leachate collection system; see SO.60.2.NM.)</p> <p>Verify that the leachate collection system is operated according to a Department-approved, written leachate management plan.</p> <p>(NOTE: The written leachate management plan describes anticipated amounts of leachate, duration of generation, and final disposal options of the leachate.)</p> <p>Verify that leachate head on the liner and sump pump is measured as necessary.</p> <p>Verify that all leachate is collected and treated by a method approved by the Department.</p> <p>Verify that records of leachate generation and treatment are maintained on a quarterly basis.</p>

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.67. Emissions</p> <p>SO.67.1.NM. MSWLFs must comply with certain emission control requirements (20.2.64.109 and 20.2.64.111(A) NMAC) [Added June 1999; Citation Revised September 2003].</p>	<p>(NOTE: An owner or operator of an existing MSWLF is subject to all provisions specified in 40 CFR 60.751 through 60.759 as promulgated by US EPA on 12 March 1996, except as provided for in Section 111 of 20.2.64 NMAC, Municipal Solid Waste Landfills. Physical or operational changes made to an existing MSWLF solely to comply with 20.2.64 NMAC are not considered a modification or reconstruction and would not subject an existing MSWLF to the requirements of 40 CFR 60 Subpart WWW.)</p> <p>(NOTE: Except as provided for below, reporting and compliance requirements for existing MSWLFs must be in accordance with 40 CFR 60.757 and 60.758.)</p> <p>Verify that the owner or operator of an existing MSWLF submits an initial design capacity report in accordance with 40 CFR 60.757(a)(2) to the Department.</p> <p>Verify that the owner or operator of an existing MSWLF, with a design capacity equal to or greater than 2.5 million megagrams or 2.5 million cubic meters, submits an NMOC emission rate report in accordance with 40 CFR 60.757(b)(1) and (2) to the Department.</p> <p>Verify that an existing MSWLF with a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters, and with an NMOC emission rate greater than or equal to 50 megagrams per year installs a gas collection and control system as specified in 40 CFR 60.752(b).</p>

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.70. Groundwater Monitoring Criteria</p> <p>SO.70.1.NM. Municipal and special waste landfills must comply with groundwater monitoring requirements (20.9.9.8 NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>(NOTE: This requirement applies to both municipal and special waste landfills, unless it is a category 1 landfill or is waived under 20.9.2.14.)</p> <p>Verify that the landfill establishes a groundwater monitoring program, approved by the Secretary, to be maintained throughout the active life and post closure care period of the landfill.</p> <p>Verify that the conditions of the groundwater monitoring programs are met.</p> <p>(NOTE: Owners or operators of category 4 landfills and landfills seeking approval of lateral expansions shall obtain approval of a ground water monitoring system plan and ground water monitoring plan in compliance with 20.9.9 NMAC prior to placement of waste in the landfill or lateral expansion, as part of their permit or permit modification; owners or operators of category 4 landfills and landfills making lateral expansions shall implement and comply with their ground water monitoring system plan and ground water monitoring plan as approved.)</p> <p>(NOTE: Owners or operators of category 3 landfills or landfills that closed on or after October 9, 1993 shall submit and obtain approval of a ground water monitoring system plan and ground water monitoring plan in compliance with 20.9.9 NMAC as part of their permit or closure or post closure care plan, and shall implement and comply with the approved ground water monitoring system plan and ground water monitoring plan.)</p> <p>(NOTE: Owners or operators of category 2 landfills shall comply with 20.9.9 NMAC, with the exception that the ground water sampling parameters may be limited to those approved in the closure and post-closure care plan.)</p> <p>(NOTE: Construction and demolition landfills, scrap tire monofills, and asbestos monofills are not required to comply with the ground water monitoring requirements of 20.9.9 NMAC unless required in the permit, or if the secretary orders groundwater monitoring, based on a finding that there is a potential for constituents to migrate from the facility to the uppermost aquifer. If contamination is detected at a construction and demolition landfill, scrap tire monofill or asbestos monofill, the requirements of 20.9.9 NMAC shall thereafter apply.)</p>

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.75. Closure Criteria</p> <p>SO.75.1.NM. Municipal and special waste landfills must comply with specific closure requirements (20.9.6.9 (A) (1), (2), (4), (5), and (6) NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>(NOTE: Owners and operators of municipal or special waste landfills must comply with these closure requirements within 30 Days after the final receipt of waste or within 30 days after approval of the closure and post-closure plan, whichever is later.)</p> <p>Verify that owners and operators install a final cover system that consists of the following:</p> <ul style="list-style-type: none"> - for municipal and special waste landfills (except monofills) that are not lined and that never received more than 7,300 tons of waste (i.e., an average of 20 tons or less per day annual average) during any calendar year, an infiltration layer comprised of a minimum of 18 inches of earthen material having a saturated hydraulic conductivity no greater than 1×10^{-5} cm/sec - for municipal landfills which exceed the tonnage above and for all special waste landfills (other than monofills), an infiltration layer comprised of a minimum of 18 inches of earthen material having a saturated hydraulic conductivity less than or equal to the saturated hydraulic conductivity of any bottom liner system or natural subsoils present, or a saturated hydraulic conductivity no greater than 1×10^{-5} cm/sec., whichever provides for less infiltration - a layer for minimizing erosion consisting of a minimum of 6 inches of earthen material that is capable of sustaining native plant growth - any necessary gas vents provided they are sealed to assure no water infiltration - finished grades over filled areas do not exceed 25 percent (four feet horizontal to one foot vertical), or be less than five percent for new landfills and lateral expansions permitted for construction, operation, and closure after the effective date of these regulations or two percent for all other landfills - run-off controls designed for a peak discharge of a 24-hour, 25-year storm - cover material compacted to no less than 75 percent and no more than 85 percent standard proctor density unless otherwise approved in the permit, closure plan or by specific approval - for closure of a cell containing only regulated asbestos waste or scrap tires, the owner or operator covers with 30 inches of compacted native soils and 6 inches topsoil on top of the 30-inch cover, to provide a 36-inch final cover to the original grade and implement measures where necessary to control erosion and rodent intrusion. <p>(NOTE: The secretary may permit an alternative final cover design.)</p> <p>Verify that, prior to beginning closure of a landfill, the owner or operator notifies</p>

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<p>SO.75.2.NM. Municipal and special waste landfills must have a written closure plan that complies with reporting requirements (20.9.6.9(A) (3) (a) through (g) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].</p>	<p>the secretary that a notice of the intent to close the landfill has been placed in the operating record.</p> <p>Verify that the owner or operator completes closure activities in accordance with the closure plan within 180 days following the beginning of closure.</p> <p>Verify that, following closure, the owner or operator notifies the Secretary that closure has been completed in accordance with the closure plan.</p> <p>Verify that, following closure, the owner or operator records a notation on the deed to the landfill facility property.</p> <p>(NOTE: Some other instrument that is normally examined during title search may be used instead of a deed to the landfill facility property.)</p> <p>Verify that, following closure, the owner or operator notifies the Secretary that the notation has been recorded and a copy has been placed in the operating record.</p> <p>Verify that the notation on the deed in perpetuity notifies any potential purchaser of the property that:</p> <ul style="list-style-type: none"> - the land has been used as a landfill facility - its use is restricted under the post-closure care requirement. <p>Verify that the written closure plan includes the following information:</p> <ul style="list-style-type: none"> - a description of the final cover and its placement - a vegetation plan - a plan to prevent unauthorized access by the public and entry by large animals to the landfill through the use of fences, gates, locks, or other means - a plan to remove structures, unless otherwise approved by the secretary - a description of the signs indicating that the site is a closed landfill and no dumping is permitted (all signs shall include the name and telephone number of the landfill owner).

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.80. Post Closure Care Requirements</p> <p>SO.80.1.NM. Municipal and special waste landfills must comply with specific post closure care requirements (20.9.6.9 (A) (3) (h) and (B) NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>Verify that the landfill owner or operator submits a post-closure care and monitoring plan to the Secretary.</p> <p>Verify that the post-closure care and monitoring plan includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> - monitoring and repair plan that describes methods to be used to ensure cover integrity, including but not limited to settlement, ponding, water erosion, wind erosion, and inadequate drainage, to ensure the final cover meets the slope requirements of 20.9.6.9 NMAC, and to maintain adequate vegetation during the post-closure period - a methane monitoring plan in compliance with Subsections B and C of 20.9.5.9 NMAC - a ground water monitoring plan - a leachate collection system plan, if applicable. <p>Verify that the landfill owner or operator submits reports of monitoring performance and data collected to the Secretary within 45 days from the end of each calendar year.</p> <p>(NOTE: The post-closure care period for a landfill is 30 years.)</p>

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<p>MUNICIPAL SOLID WASTE LANDFILLS</p> <p>SO.85. Documentation</p> <p>SO.85.1.NM. [Deleted March 2008].</p> <p>SO.85.2.NM. [Deleted March 2008].</p> <p>SO.85.3.NM. [Deleted March 2008].</p> <p>SO.85.4.NM. [Deleted March 2008].</p>	<p>(NOTE: See SO.8.3.NM. for operating record requirements.)</p> <p>(NOTE: See SO.8.4.NM. for annual reporting requirements.)</p> <p>(NOTE: Plans are a permit requirement.)</p> <p>(NOTE: Plans are a permit requirement.)</p>

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SO.92 ASH HANDLING AND DISPOSAL SO.92.1.NM. Temporary storage of ash at a generation site must prevent fugitive dust emissions (20.9.8.14 (D) NMAC) [Added September 2003; Revised March 2008]. SO.92.2.NM. Transporters of ash must comply with specific requirements (20.9.8.14 (A) NMAC) [Added September 2003; Citation Revised March 2008]. SO.92.3.NM. Landfills that accept ash must meet specific requirements (20.9.8.14 (B) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].	<p>Verify that ash waste that is temporarily stored at a generation site awaiting transportation is stored in a manner so as to prevent fugitive dust emissions.</p> <p>(NOTE: Moved from SO.9.1.NM.)</p> <p>Verify that transporters of ash do not accept or transport ash unless it has been treated or is securely covered to prevent release of fugitive dust.</p> <p>Verify that transporters of ash cover vehicles to prevent fugitive dust loss during transport.</p> <p>Verify that transporters of ash line or seal vehicles to prevent any leakage of liquids or fugitive dust during transport.</p> <p>(NOTE: Moved from SO.20.5.NM.)</p> <p>(NOTE: 20.9.1.700 covers special waste requirements and may be disposed of at municipal or special waste landfills.)</p> <p>Verify that the following requirements are met:</p> <ul style="list-style-type: none"> - an excavation is prepared to receive non-hazardous ash - a groundwater monitoring system and a leachate collection system are provided - ash is kept wetted prior to covering to prevent fugitive emissions - transport vehicles are unloaded at the bottom of the excavations - ash is completely covered within 24 hours with a minimum of 6 inches of clean non-waste containing material, or other material approved by the Secretary. <p>(NOTE: If the ash is containerized, an alternate frequency for cover may be specifically approved.)</p> <p>(NOTE: Moved from SO.135.3.NM.)</p>

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SO.92.4.NM. Landfills that accept ash must control public access to ash areas (20.9.8.14 (C) NMAC) [Added September 2003 ; Revised March 2008].	<p>(NOTE: 20.9.1.700 covers special waste requirements and may be disposed of at municipal or special waste landfills.)</p> <p>Verify that the landfill owner or operator provides barriers adequate to control public access to the ash site</p> <p>Verify that the landfill owner or operator limits access to the ash site to no more than 2 entrances.</p> <p>Verify that the gates can be locked when left unattended.</p> <p>Verify that the ash site has adequate fencing to deter access by the general public.</p> <p>Verify that, when excavations are used at the landfill accepting ash waste, the excavations are isolated from the rest of the facility in a manner that deters access by the general public.</p> <p>(NOTE: Moved from SO.135.4.NM.)</p>
SO.92.5.NM. [Deleted March 2008].	<p>(NOTE: 20.9.1.700(G)(3) NMAC repealed.)</p>

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<p>SO.95</p> <p>RESOURCE RECOVERY FACILITIES</p> <p>SO.95.1.NM. Transformational facilities must meet additional operational requirements (20.9.5.12 NMAC) [Added March 2008].</p>	<p>Verify that dust is controlled in the unloading and charging areas in such a manner as to prevent explosions and fugitive dust emissions.</p> <p>Verify that appropriate fire-fighting equipment is maintained in the charging and storage areas and elsewhere as needed.</p> <p>Verify that any recycling operations are conducted in a sanitary manner that does not interfere with transformation operations and remove all recyclable materials, in a timely manner or store them so as not to create a nuisance, vector harborage, or public health hazard.</p> <p>Verify that sufficient unloading areas are provided to meet demands of peak periods.</p> <p>Verify that sufficient training is provided for all new employees so that equipment may be operated according to design specifications, and conduct review training annually.</p> <p>Verify that key operational procedures are prominently posted.</p> <p>Verify that any special wastes generated by the transformation facility are stored in covered buildings, in covered leak-proof containers, or in tanks, which are labeled with a description of the contents and the date the wastes were placed in storage.</p> <p>Verify that audible signals are provided to alert operating personnel of critical operating unit malfunctions.</p> <p>Verify that sampling points are provided for each process stream that does not interfere with normal facility operation.</p> <p>Verify that, if a facility is permitted to handle special wastes, provide separate areas for storage while the special wastes wait processing or transport.</p> <p>Verify that special wastes are stored in a manner to assure that they are protected from weather elements and fire and to assure that incompatible wastes are kept separate.</p> <p>Verify that an ash testing program is established prior to start-up of the transformation facility.</p> <p>Verify that representative samples of both fly ash and bottom ash are tested in</p>

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	<p>accordance with 20.9.8.11 NMAC.</p> <p>(NOTE: Test methods, the number of tests, detection limits, and parameters to be tested shall be approved in the permit or registration. Frequency of testing shall be one sample per month taken within 5 days of the beginning of the month, unless an alternate test frequency is specifically approved by the department based on a demonstration that the ash is homogenous.)</p>

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MEDICAL WASTE SO.105. Generators SO.105.1.NM. Generators of infectious waste must dispose of infectious waste at a permitted facility (20.9.8.13 (D) NMAC) [Added March 2008].	 (NOTE: See the applicability statement for New Mexico infectious waste regulations in Appendix 9-2.) Verify that all generators of infectious waste dispose of the infectious waste at a facility permitted to process, store or dispose of infectious waste.

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	<p>used for other infectious waste.</p> <p>Verify that rigid containers meet or exceed the requirements of 49 CFR 173.197 including the following:</p> <ul style="list-style-type: none"> - rigid - leak resistant - impervious to moisture - of sufficient strength to prevent tearing or bursting under normal conditions of use - sealed to prevent leakage during transport - puncture resistant for sharps and sharps with residual fluids. <p>Verify that, if other waste is placed in the same container as regulated infectious waste, then the generator packages, labels and marks the container and its entire contents as infectious waste.</p> <p>Verify that generators of infectious waste, place sufficient absorbent material inside the rigid container or liner of the rigid container sufficient to absorb the entire amount of liquid present in the event of an unintentional release of contents, as specified in 49 CFR 173.197.</p> <p>Verify that rigid infectious waste containers meet the following criteria before they are reused:</p> <p>Verify that, if rigid infectious waste containers reused for infectious or non-infectious waste, they are thoroughly washed and decontaminated each time they are emptied or the surfaces of the containers have been completely protected from contamination by disposable, unpunctured or undamaged liners, bags, or other devices that are removed with the infectious waste, and the surface of the containers have not been damaged or punctured.</p>

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MEDICAL WASTE SO.115. Transportation SO.115.1.NM. Infectious waste commercial haulers must comply with specific transportation requirements (20.9.5.14 (C) and (D) NMAC) [Citation Revised August 1998; Citation Revised September 2003 ; Revised March 2008].	<p>(NOTE: See the applicability statement for New Mexico infectious waste regulations in Appendix 9-2.)</p> <p>Verify that infectious waste is transported in the same vehicle with other waste only when the infectious waste is contained in a separate, fully enclosed leak proof container within the vehicle compartment or when all of the waste has been treated as infectious waste.</p> <p>Verify that, for loading or unloading containers of infectious waste, employees wear appropriate personal protective equipment and conform with 29 CFR 1910.132 and have available for inspection a certification that the required workplace hazard assessment has been performed.</p> <p>Verify that surfaces of transport vehicles contaminated by infectious waste are decontaminated.</p> <p>Verify that vehicles transporting infectious waste are identified on each side of the vehicle with the name or trademark of the commercial hauler, the environment department registration number, and a biohazard symbol.</p> <p>Verify that each vehicle or container used for shipping infectious waste is designed and constructed, and its contents limited so that under conditions normally incident to transportation, so there is no releases of infectious waste to the environment.</p> <p>Verify that any vehicle or container used for shipping infectious waste is free from leaks, and all discharge openings are securely closed during transportation.</p> <p>Verify that no person transports infectious waste in to the state for treatment, storage, or disposal unless the waste is packaged, contained, labeled and transported in the manner required by 20.9.8.13 NMAC.</p> <p>Verify that all generator storage containers are labeled with the generator's name, the city of origin, and date of collection.</p> <p>Verify that periods of storage and transportation of infectious waste by commercial haulers is limited to seven days prior to disposal or treatment unless the waste is refrigerated at or below 45 degrees Fahrenheit.</p> <p>Verify that the total period of storage and transportation does not exceed 45 days unless specifically approved by the secretary.</p> <p>Verify that all accidents, spills, releases, or other similar incidents with the</p>

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	<p>potential to adversely impact public health or welfare or the environment is immediately reported to the New Mexico emergency response center.</p> <p>Verify that commercial haulers maintain an operating record documenting activities for at least the preceding 3 year period.</p> <p>Verify that the operating record includes:</p> <ul style="list-style-type: none"> - type and weight or volume of solid waste hauled - state, county, and municipality in which the solid waste originated - solid waste facilities utilized.

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MEDICAL WASTE SO.120. Treatment/Disposal SO.120.1.NM. The management of fetal remains and recognizable human remains must meet specific requirements (20.9.8.13 (E) (4) and (5) NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008]. SO.120.2.NM. Incineration of infectious waste must meet specific standards (20.9.8.13 (F)(1) NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised March 2008]. SO.120.3.NM. Sterilization of infectious waste must meet	<p>(NOTE: See the applicability statement for New Mexico infectious waste regulations in Appendix 9-2.)</p> <p>Verify that human fetal remains (500 grams or greater as defined by the State Medical Examiner) are disposed by incineration or interment.</p> <p>Verify that infectious wastes consisting of recognizable human anatomical remains are disposed by incineration or interment, unless the remains have been contaminated with a regulated hazardous chemical or radioactive substance.</p> <p>(NOTE: Recognizable human anatomical remains may be released to the patient, proper governmental authority, or designated family member for interment or incineration, as long as all forensic needs of the facility have been met and the release is not in violation of any other law.)</p> <p>(NOTE: See the applicability statement for New Mexico infectious waste regulations in Appendix 9-2.)</p> <p>Verify that incineration in a controlled air multi-chambered incinerator provides complete combustion of the waste to carbonized or mineralized ash.</p> <p>Verify that the ash from the incinerator is sampled in accordance with Subsection B of 20.9.8.11 NMAC and the sample is analyzed by the U.S. EPA test method 1311: toxic characteristics leaching procedure (TCLP) to determine if it is a hazardous waste.</p> <p>Verify that, if the ash is hazardous, it is managed in accordance with hazardous waste requirements.</p> <p>Verify that the retention times and temperatures for each chamber is continuously measured and recorded, or other equivalent tests approved by the Department to determine if it is still infectious are performed.</p> <p>Verify that, if waste remains infectious, it is re-incinerated.</p> <p>Verify that charge rates are maintained and recorded.</p> <p>(NOTE: See the applicability statement for New Mexico infectious waste</p>

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<p>specific standards (20.9.8.13 (F) (2) NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised March 2008].</p> <p>SO.120.4.NM. Other approved infectious waste disposal methods must meet specific criteria (20.9.8.13 (F) (4) and (G) NMAC [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>regulations in Appendix 9-2.)</p> <p>Verify that there are written operating procedures for each steam sterilizer which the operator certifies in writing that she or he understands.</p> <p>Verify that the written operating procedures for each steam sterilizer includes time, temperature, pressure, type of waste, type of container(s), closure on container(s), pattern of loading, water content, and maximum load quantity.</p> <p>Verify that infectious waste is subjected to sufficient temperature, pressure, and time to kill <i>Geobacillus stearothermophilus</i> spores or induce a complete color change in a n approved steam sterilization integrator when either indicator is located in the center of the waste load being decontaminated.</p> <p>Verify that, unless a steam sterilizer is equipped to continuously monitor and generate a printed paper record of time, temperature and pressure during the entire length of each sterilization cycle, a chemical indicator is attached to each package of infectious waste that will visually demonstrate at the end of the autoclave cycle that each package was exposed to a temperature of at least 250 degrees Fahrenheit or 121 degrees Celsius in the presence of steam under pressure was reached during the process.</p> <p>Verify that the original printed record generated by the autoclave is maintained for 3 years.</p> <p>Verify that, at least once each 40 hours of operation, each sterilization unit is evaluated for effectiveness with spores of <i>Geobacillus stearothermophilus</i> or approved steam sterilization integrator.</p> <p>Verify that a written log is maintained for each sterilization unit which contains:</p> <ul style="list-style-type: none"> - date, time and load number for each load - amount per load - duration of the cycle - the operator's name. <p>(NOTE: See the applicability statement for New Mexico infectious waste regulations in Appendix 9-2.)</p> <p>Verify that other methods approved by the Secretary meet the following criteria:</p> <ul style="list-style-type: none"> - a 6 log10 reduction in <i>mycobacteria</i> of <i>Mycobacterium phlei</i> or <i>Mycobacterium bovis</i> (BCG) or if specifically approved, other <i>Mycobacterium</i> species - a 4 log10 reduction in bacterial spores of <i>Geobacillus stearothermophilus</i> , <i>Bacillus atrophaeus</i> or if specifically approved, other species of spore-forming bacterium. <p>Verify that the species used are the species indicated and that the strain used in</p>

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<p>SO.120.5.NM. The discharge of infectious waste to a sewage treatment system must meet specific requirements (20.9.8.13 (F) (3) NMAC) [Added September 2003 ; Revised March 2008].</p>	<p>appropriate for the proposed method.</p> <p>Verify that a treatment method is approved by the Secretary.</p> <p>(NOTE: See the applicability statement for New Mexico infectious waste regulations in Appendix 9-2.)</p> <p>Verify that the infectious waste is liquid or semi-liquid and is discharged to a sewage treatment system that provides secondary treatment.</p> <p>Verify that the discharge of infectious waste to the sewage treatment system is approved by the operator of the sewage treatment system.</p>

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<p>SO.135.</p> <p>LANDFILLS</p> <p>SO.135.1.NM. Landfills that accept sludge for disposal or use as a land amendment to intermediate or final cover material must comply with specific requirements (20.9.8.16 NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>Verify that the landfill is permitted or authorized to receive sludge.</p> <p>Verify that sludge from municipal wastewater treatment plants is sampled and analyzed to show that it meets the criteria specified in Appendix 9-4.</p> <p>(NOTE: The test parameters and limits for other sludges must as specified by the Secretary.)</p> <p>Verify that the landfill owner or operator provides a description of the transport method, a demonstration that the method will be leak free and covered, the volume to be transported, and total time period for disposal of any sludge piles.</p> <p>Verify that the landfill owner or operator provides a description of any future plans for continuation of landfill disposal of sludge, including how often sludge will be tested and transported to the landfill, and how long the sludge will be stored prior to disposal.</p> <p>Verify that copies of the shipping records are provided to the landfill owner or operator.</p> <p>Verify that the landfill owner or operator provides a site map, indicating the facility boundaries, the location of the sludge disposal area, and the routes of the disposal vehicles.</p> <p>Verify that, as part of its contingency plan, the landfill owner or operator provides a section describing methods for cleanup if an accident should occur during transport or disposal.</p> <p>Verify that the disposal of sewage sludge or the use of sewage sludge as a land amendment to cover material at a landfill meets the following requirements prior to disposal or use as a cover material amendment:</p> <ul style="list-style-type: none"> - obtain at least one representative sample per 100 cubic yards of sludge for analysis of the parameters listed below (an alternate frequency may be permitted or specifically approved by the secretary if a demonstration is made that the sludge is homogeneous) - cover the sludge with 6 inches of clean earthen material or other suitable material at the end of the day in order to be excluded from the 40 CFR Part 503 pathogen reduction criteria - restrict the treatment area from public access until the sludge is either placed in a disposal cell and covered or until it meets the requirements of 40 CFR Part 503 - ensure that all sewage sludge complies with 40 CFR Part 503, Subpart B before it is used as an amendment to intermediate or final cover.

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	<p>Verify that, prior to delivery of sludge to a solid waste facility for disposal, the generator test a representative sample for the following parameters to determine if it exceeds the specified limits below:</p> <ul style="list-style-type: none"> - no free liquids as determined by paint filter liquids test (U.S. EPA test method 9095), unless exempt in accordance with 20.9.4.17 NMAC - percent solids (no specified limits) - pH, within the range of 2.0 to 12.5 - polychlorinated biphenyls (PCB's), less than 50 mg/Kg - toxicity characteristic leaching procedure (TCLP) (U.S. EPA test method 1311), for the following parameters and maximum allowable concentrations: <ul style="list-style-type: none"> - arsenic, 5.0 mg/L - benzene, 0.5 mg/L - cadmium, 1.0 mg/L - chlordane, 0.03 mg/L - chromium, 5.0 mg/L - 2,4-Dichlorophenoxy-acetic acid, 10.0 mg/L - lead, 5.0 mg/L - lindane, 0.4 mg/L - mercury, 0.2 mg/L - methyl ethyl ketone, 200.0 mg/L - toxaphene, 0.5 mg/L.
SO.135.2.NM. Landfills that accept packing house and killing plant offal must comply with specific requirements (20.9.8.17 NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].	<p>(NOTE: 20.9.1.700 covers special waste requirements that may be disposed of at municipal or special waste landfills.)</p> <p>Verify that, prior to disposal at a landfill, packing house and killing plant offal pass the Paint Filter Test and are mixed with soil, in a separate area of the facility, to a consistency that will support compaction and cover materials.</p> <p>Verify that packing house and killing plant offal is covered immediately after disposal.</p>
SO.135.3.NM. [Deleted September 2003].	<p>(NOTE: 20.9.1.700(G)(2) NMAC moved to SO.92.3.NM.)</p>
SO.135.4.NM. [Deleted September 2003].	<p>(NOTE: 20.9.1.700(G)(4) NMAC moved to SO.92.4.NM.)</p>
SO.135.5.NM. [Deleted September 2003].	<p>(NOTE: 20.9.1.700(G)(3) NMAC moved to SO.92.5.NM.)</p>

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SO.135.6.NM. [Deleted September 2003]. SO.135.7.NM. [Deleted September 2003]. SO.135.8.NM. [Deleted September 2003]. SO.135.9.NM. [Deleted September 2003].	

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<p>SO.140.</p> <p>INERT WASTE LANDFILLS</p> <p>SO.140.1.NM. Construction and demolition landfills must comply with specific siting criteria (20.9.4.9 NMAC) [Citation Revised August 1998; Revised September 2003; Revised March 2008].</p>	<p>(NOTE: These requirements apply to municipal, construction and demolition, and special waste landfill or monofill.)</p> <p>Verify that construction and demolition meet the following siting criteria:</p> <ul style="list-style-type: none"> - in a floodplain, within 500 feet of a wetlands, or within 200 feet of a watercourse unless the watercourse has been altered pursuant to an approval from the army corps of engineers or other appropriate authority - where the top of the uppermost aquifer will be closer than 100 feet to the bottom of the fill, or for construction and demolition landfills that do not accept more than 25 tons per day annual average, where the top of the uppermost aquifer will be closer than 50 feet to the bottom of the fill - where new, abandoned, or exploration subsurface mines registered with the New Mexico department of energy, minerals and natural resources may pose a risk of subsidence or instability - within 200 feet of a fault that has had a displacement within Holocene time (i.e., the past 11,000 years), unless the owner or operator demonstrates to the secretary that an alternative setback of less than 200 feet will prevent damage to the structural integrity of the facility and will be protective of public health, welfare and the environment - within historically or archaeologically significant sites, unless in compliance with the Cultural Properties Act, NMSA 1978, Sections 18-6-1 to 18-6-23 and the Prehistoric and Historic Sites Preservation Act, NMSA 1978, Sections 18-8-1 to 18-8-8 - within 1,000 feet of a public water supply well or a private drinking water supply well with a sustainable yield of 100 gallons per minute or more, unless, in the case of registered unpermitted landfills, the well was constructed after the landfill began operations - within 350 feet of a public water supply well or private well with a maximum sustainable yield of less than 100 gallons per minute, unless the well was constructed after the landfill began operations or the well was installed by the landfill owner or operator for operational use - within the distance to airports set by the federal aviation administration unless the landfill owner or operator demonstrates that the federal aviation administration does not object to construction and operation of the landfill at the proposed site - within 50 feet of the facility property boundaries nor within 500 feet of a permanent residence, school, hospital, institution or church, or unless, in the case of registered unpermitted landfills, the permanent residence, school, hospital, institution or place of worship was constructed after the landfill began operations - in an active alluvial fan (i.e., areas being currently aggraded by either permanent or intermittent streams - within areas that will result in the destruction or adverse modification of the

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<p>SO.140.2.NM. Construction and demolition landfills must comply with specific operating requirements (20.9.5.10 NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised March 2008].</p>	<p>critical habitat of endangered or threatened species as identified in either 50 CFR Part 17 or by the New Mexico department of game and fish in its most recent biennial review</p> <ul style="list-style-type: none"> - within seismic impact zones, unless the owner or operator demonstrates that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site - within a non unstable area, unless the owner or operator demonstrates that engineering measures have been incorporated into the landfill design to ensure that the integrity of the structural components of the landfill will not be disrupted. <p>Verify that the on-site population of disease vectors is minimized through the periodic application of cover material or other techniques as appropriate so as to protect public health, welfare, and the environment.</p> <p>Verify that soil or other suitable material is applied and compacted over disposed construction and demolition debris at the end of each operating day or at such frequencies and in such a manner as to reduce the risk of fire and impede vectors' access to the waste.</p> <p>Verify that the generation and lateral migration of methane is prevented so that:</p> <ul style="list-style-type: none"> - 25 percent of the lower explosive limit for the gasses in facility structures - the lower explosive limit for gasses at the property boundary. <p>Verify that the owner or operator limits public access to a construction or demolition landfill so as not to expose the public to potential health and safety hazards at the facility.</p>
<p>SO.140.3.NM. Construction and demolition landfills must comply with specific closure requirements (20.9.6.10 (A) NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>Verify that the owner or operator of a construction and demolition landfill places a final cover over the entire surface of each portion of the final lift starting no later than 30 days and completed within 60 days after the known final receipt of waste.</p> <p>Verify that the final cover consists of a compacted layer of not less than 24 inches of approved material.</p> <p>Verify that the final cover consists of a compacted layer of not less than 18 inches of approved material and a layer for minimizing erosion of not less than 6 inches of approved material that is capable of sustaining native plant growth.</p> <p>Verify that the finished grades over filled areas is not exceed 25 percent (4 feet horizontal to 1 foot vertical), or be less than 5 percent for landfills permitted after the effective date of these regulations or 2 percent for all other landfills.</p> <p>Verify that the slope of the final cover is sufficient to prevent the ponding of water</p>

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<p>SO.140.4.NM. Construction and demolition landfills must comply with specific post closure care requirements (20.9.6.10 (B) NMAC) [Citation Revised August 1998; Revised September 2003; Revised March 2008].</p> <p>SO.140.5.NM. [Deleted March 2008].</p>	<p>and erosion of the cover material.</p> <p>(NOTE: For existing landfills, the secretary may approve slopes which exceed 25 percent grade provided the owner demonstrates there is no practicable alternative and the steeper slopes can be permanently stabilized to prevent erosion.)</p> <p>Verify that the construction and demolition landfill owner or operator provides a plan showing the final contours and vegetation in relationship to the surrounding land, the description of final use of the land with drawings as appropriate, and a description of vegetation to provide permanent soil stabilization.</p> <p>Verify that, upon completion of closure, the landfill owner or operator files a detailed description of the use of the site, including a plat, with the appropriate county land recording authority for the county in which the site is located.</p> <p>Verify that the detailed description and the plat are filed so that it will be found during a title search.</p> <p>Verify that the construction and demolition landfill owner or operator submits proof of the filing to the Secretary.</p> <p>Verify that the notification on the deed perpetually notifies any potential purchaser of the property that:</p> <ul style="list-style-type: none"> - the land has been used as a landfill - its use is restricted as described in the post-closure care provisions. <p>(NOTE: Post-closure care continues for 30 years.)</p> <p>Verify that the construction and demolition landfill owner or operator provides post-closure care that includes:</p> <ul style="list-style-type: none"> - control of erosion - maintenance of cover, top slopes, side slopes, drainage, and vegetation. <p>Verify that the landfill owner or operator provides post-closure care inspections once a year for the first 3 years and then once every 3 years, thereafter.</p> <p>(NOTE: 20.9.1.200(A)(1) NMAC repealed.)</p>

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<p>SO.160.</p> <p>WASTE TIRE MANAGEMENT</p> <p>SO.160.1.NM. The management of all scrap tires must meet general requirements (20.9.20.8 and 20.9.20.63 NMAC) [Added September 2003 ; Revised March 2008].</p> <p>SO.160.2.NM. Scrap tire haulers must register with the Department for a general permit (20.9.20.26 NMAC) [Added September 2003 ; Revised March 2008].</p>	<p>Verify that a person does not store or use in a civil engineering application, except for beneficial agricultural use, more than 100 scrap tires anywhere in New Mexico, unless the person has a valid permit or registration from the department, or is excluded from the definition of a tire recycling facility pursuant to Subsection NN of 20.9.20.7 NMAC.</p> <p>Verify that a tire recycling facility is not operated or maintained unless the facility has a valid permit issued pursuant to the provisions of the Recycling and Illegal Dumping Act or is a facility where tires are stored and used for beneficial agricultural uses.</p> <p>Verify that scrap tires are not transported for hire to a place other than a permitted tire recycling facility or permitted civil engineering application unless the place is specifically excluded from the definition of a "tire recycling facility".</p> <p>Verify that a scrap tire generator does not release scrap tires to a person other than a registered scrap tire hauler, a registered commercial waste hauler, or a self-hauling agricultural operation.</p> <p>Verify that no one engages in the open burning of scrap tires.</p> <p>Verify that no one engages in, maintains, or allows illegal dumping.</p> <p>Verify that scrap tires or tire-derived products are not stored or disposed of in a manner that creates a public nuisance, promotes the breeding or harboring of disease vectors or creates a potential for fire or other health or environmental hazards.</p> <p>Verify that reusable tires are kept for resale for a period not to exceed one year.</p> <p>(NOTE: After one years time, they are considered scrap tires subject to the Recycling and Illegal Dumping Act, Sections 74-13-1 et seq. NMSA 1978 and the Solid Waste Act, Sections 74-9-1 et seq. NMSA 1978.)</p> <p>Verify that haulers of scrap tires register with the department 30 days prior to beginning operations.</p> <p>Verify that a scrap tire hauler operating prior to August 2, 2007 files an application within one year of August 2, 2007.</p> <p>(NOTE: The hauler is allowed to continue hauling until its application is either</p>

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<p>SO.160.3.NM. Registered tire recycling facilities, land reclamation sites, and holders of specific permits for tire recycling facilities must apply for a permit (20.920.33 NMAC) [Added September 2003; Revised March 2008].</p> <p>SO.160.4.NM. Scrap tire storage, recycling facilities, and civil engineering applications must be permitted and meet siting criteria (20.9.20.10 and 20.9.20.36 NMAC) [Added September 2003; Revised March 2008].</p>	<p>approved or denied.)</p> <p>(NOTE: Commercial solid waste haulers registered pursuant to 20.9.3.31 NMAC who haul scrap tires using vehicles that are primarily used for the hauling of other solid waste are not required to register under this section.)</p> <p>Verify that current registered tire recycling facilities, land reclamation sites, and holders of specific permits for tire recycling facilities apply for a permit and demonstrate compliance with the provisions of this rule within 180 days after August 2, 2007.</p> <p>Verify that any person seeking to store more than 100 scrap tires or seeking to construct, operate, or modify a tire recycling facility or civil engineering application that uses more than 100 scrap tires obtains a permit.</p> <p>(NOTE: Any permit or registration for a civil engineering application granted prior to August 2, 2007 remains in effect.)</p> <p>(NOTE: Permits are not required for a hauler's temporary storage facility that is used by a registered scrap tire hauler or a registered commercial hauler to separate scrap tires from reusable tires. Such facilities shall be included in the application for registration of the commercial hauler under Subsection A of 20.9.3.31 NMAC or registration of the scrap tire hauler under Subsection I of 20.9.20.26 NMAC.)</p> <p>(NOTE: A tire recycling facility or civil engineering application at a permitted or registered solid waste facility is not required to obtain a tire recycling or civil engineering application permit.)</p> <p>Verify that no tire recycling or storage facility is located within 25 feet of a floodplain, a watercourse (including arroyos), or a wetland unless the floodplain, watercourse, or a wetland has been altered pursuant to an approval from the U.S. army corps of engineers or other appropriate authority.</p> <p>Verify that no civil engineering application is constructed in a floodplain, a waterway, or a wetland without authorization by the U.S. army corps of engineers or other appropriate authority.</p> <p>Verify that no tire recycling facility or civil engineering application is located within historically or archaeologically significant sites, unless in compliance with the Cultural Properties Act, Sections 18-6-1 et seq. NMSA 1978 and the Prehistoric and Historic Sites Preservation Act, Sections 18-8-1 et seq. NMSA</p>

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<p>SO.160.5.NM. Scrap tire generators must meet management requirements (20.9.20.46 NMAC) [Added September 2003 ; Revised March 2008].</p>	<p>1978.</p> <p>Verify that each scrap tire generator assures that scrap tires are transported to a permitted or registered facility or beneficial agricultural operation.</p> <p>Verify that each scrap tire generator uses manifests to document the removal and management of all scrap tires generated on-site.</p> <p>Verify that each scrap tire generator monitors and controls vectors in outdoor tire storage areas.</p> <p>Verify that each scrap tire generator transporting its scrap tires from its own business locations to a permitted or registered facility or bona fide beneficial agricultural operation without a scrap tire hauler registration, provides the manifest to the final destination for completion.</p> <p>Verify that the scrap tire generator retains for a period of 3 years both the originating copy and the returned original manifest signed by the solid waste facility owner or operator and all haulers transporting the waste.</p> <p>Verify that each scrap tire generator comply with all manifesting requirements in 20.9.20.50 NMAC.</p>
<p>SO.160.6.NM. Owners or operators of permitted tire recycling facilities must comply with general operating requirements (20.9.20.39 and 20.9.20.40 NMAC) [Added September 2003; Revised March 2008].</p>	<p>Verify that owners and operators of all tire recycling facilities meet the following requirements:</p> <ul style="list-style-type: none"> - ensure that copies of the emergency contingency plan that meets the requirements of 20.9.20.47 NMAC are readily accessible to employees on duty - train employees when hired and at least annually thereafter on when and how to implement the emergency contingency plan that meets the requirements of 20.9.20.47 NMAC and document in the operating record that such training has been conducted - maintain a written operating record and manifests in compliance with 20.9.20.48 - 20.9.20.50 NMAC - notify the department both orally and in writing within 24 hours of an incident that may negatively impact the environment, or human health or requires implementation of the facility's emergency contingency plan. <p>Verify that owners and operators of facilities that store 20,000 or more scrap tires at any one time or processes 200,000 or more than scrap tires per year meet the following additional requirements:</p> <ul style="list-style-type: none"> - post signs at the facility to indicate the name and address of the site, the hours of operation, the tire recycling facility permit number and emergency telephone numbers

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<p>SO.160.7.NM. Scrap tire haulers and transporters must meet operating requirements (20.9.20.45 NMAC) [Added September 2003 ; Revised March 2008].</p>	<ul style="list-style-type: none"> - prominently post key operational procedures. <p>Verify that any person who transports scrap tires, whether or not for hire, meets the following requirements:</p> <ul style="list-style-type: none"> - collect and transport tires so as to prevent environmental, safety, and public health or welfare hazards and nuisances - securely tie, strap or use a fully enclosed container to transport scrap tires to prevent loss of contents during transportation. <p>Verify that persons that haul scrap tires for hire meets the following requirements:</p> <ul style="list-style-type: none"> - registered scrap tire haulers conspicuously label all vehicles on both sides with the company's name, telephone number and registration number - registered scrap tire haulers provide a scrap tire manifest to the scrap tire generator for each load of scrap tires hauled - registered scrap tire haulers comply with all manifesting requirements in 20.9.20.50 NMAC and record keeping requirements in 20.9.20.48 NMAC and 20.9.20.49 NMAC - scrap tire haulers provide prior notification to the department in writing of any major changes in operation (see note below) - scrap tire hauler assures that scrap tires are transported to a permitted or registered facility or beneficial agricultural operation within 30 days after leaving the site of the generator - a hauler's temporary storage facility contains no more than 99 scrap tires at any one time - scrap tires are stored for no more than 72 hours at a hauler's temporary storage facility. <p>(NOTE: A major change includes a change in ownership, a change in location of vehicle maintenance and storage yard and a change in the disposal facility being used. In the case of emergency, where prior notice cannot be given, written notice shall be given within 48 hours after the change.)</p>
<p>SO.160.8.NM. Owners or operators of tire recycling facilities, civil engineering application, and scrap tire haulers must meet reporting requirements (20.9.20.49 NMAC) [Added September 2003; Revised March 2008].</p>	<p>Verify that any person having a tire recycling facility permit, civil engineering application permit, or scrap tire hauler registration submit an annual report to the secretary within 60 days after the end of each calendar year describing the operations of the past year.</p> <p>Verify that, for tire recycling facilities, the report includes the following information:</p> <ul style="list-style-type: none"> - the type of processing - the number of scrap tires or weight of the scrap tires received annually from each scrap tire generator or scrap tire hauler - the name, mailing address, contact name, telephone number and e-mail address if available, of each transporter that delivered scrap tires to the

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	<p>facility</p> <ul style="list-style-type: none"> - the name, mailing address, contact name, telephone number and e-mail address if available, where the scrap tires originated - the number of unprocessed scrap tire remaining at the site at the end of the calendar year - the number of processed scrap tire remaining at the site at the end of the calendar year - the number of tire bales, if applicable, remaining at the site at the end of the calendar year. <p>Verify that, for scrap tire haulers, the report includes the following information:</p> <ul style="list-style-type: none"> - the number of scrap tires or weight of the scrap tires for each month, by origin and destination - the name, mailing address, contact name, telephone number and e-mail address if available, of each scrap tire generator or scrap tire hauler - the name, mailing address, contact name, telephone number and e-mail address if available, of each authorized facility where scrap tires are delivered. <p>Verify that, for civil engineering projects taking more than one year, the report includes the following information:</p> <ul style="list-style-type: none"> - the number of scrap tires or weight of the scrap tires received from each scrap tire generator or scrap tire hauler - the name, mailing address, contact name, telephone number and e-mail address if available, of each scrap tire generator or scrap tire hauler - the name, mailing address, contact name, telephone number and e-mail address if available, where the scrap tires originated - the status of the civil engineering application to include the number of scrap tires or weight of scrap tires that have not been used for the project yet, the number that is still needed, and the portion of the project that has already been completed. <p>Verify that, for civil engineering projects taking less than one year, the report is submitted to the department 30 days after completion and includes:</p> <ul style="list-style-type: none"> - as built drawings including cross section and plan view, if different from the proposed design; if the civil engineering application used 100,000 scrap tires or more or is more than two scrap tire bales high, the as built are signed and sealed by a professional engineer registered in New Mexico - the total number of scrap tires or tire bales used for the civil engineering application - the length, width and height of the civil engineering application - photographs of the civil engineering application.
SO.160.9.NM. Registered scrap tire haulers, permitted	Verify that all persons holding a tire recycling facility permit maintain manifests and any records necessary to comply with its annual report requirements that

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<p>tire recycling facilities, and civil engineering applications must meet recordkeeping requirements (20.9.20.48 NMAC) [Added September 2003; Revised March 2008].</p>	<p>includes:</p> <ul style="list-style-type: none"> - the type of processing - the number of scrap tires or weight of the scrap tires received from each scrap tire generator or scrap tire hauler - the name, mailing address, contact name, telephone number and e-mail address if available, of each transporter that delivered scrap tires to the facility - the name, mailing address, contact name, telephone number and e-mail address if available, of the scrap tire generator where the scrap tires originated - the number of unprocessed scrap tire remaining at the site at the end of the calendar year - the number of processed scrap tire remaining at the site at the end of the calendar year - the number of tire bales, if applicable, remaining at the site at the end of the calendar year. <p>Verify that any person holding a civil engineering application permit maintains a record during the construction of the project that includes manifests and any records necessary to comply with applicable record keeping requirements and the final project report requirements that includes:</p> <ul style="list-style-type: none"> - the number of scrap tires or weight of the scrap tires received from each scrap tire generator or scrap tire hauler - the name, mailing address, contact name, telephone number and e-mail address if available, of each transporter that delivered scrap tires to the civil engineering application - the name, mailing address, contact name, telephone number and e-mail address if available, where the scrap tires originated. <p>Verify that any person holding a scrap tire hauler registration maintains manifests and any records necessary to comply with its annual report requirements which include:</p> <ul style="list-style-type: none"> - the number of scrap tires or weight of the scrap tires for each month, by origin and destination - the name, mailing address, and e-mail address if available, of each scrap tire generator or scrap tire hauler - the name, mailing address, and e-mail address if available, of each authorized facility where scrap tires are delivered. <p>Verify that any person holding a scrap tire hauler registration retains all manifests showing the collection and disposition of all used or scrap tires.</p> <p>Verify that all required records, plans, manifests and information is furnished upon request and is available at reasonable times for inspection by the department.</p> <p>Verify that all required records, plans, manifests and annual reports are retained by the facility during the operational life of the facility and for a period of 3 years</p>

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<p>SO.160.10.NM. Permitted tire recycling facilities must meet contingency plan requirements (20.9.20.47 NMAC) [Added March 2008].</p>	<p>after closure of the facility.</p> <p>Verify that any person holding a tire recycling facility permit or a civil engineering application permit retain at the permitted site a copy of the terms and conditions of the permit or registration, the emergency contingency plan if applicable, and permit or registration certificate.</p> <p>Verify that any person holding a scrap tire hauler registration keeps a copy of the certificate of registration and any terms and conditions in any vehicle used to transport the scrap tires.</p> <p>Verify that holders of tire recycling facility permits maintain a current emergency contingency plan designed to minimize hazards to public health, welfare or the environment.</p> <p>Verify that a copy of the emergency contingency plan is kept at the permitted facility and copies are provided to the appropriate emergency response authorities of the local government.</p> <p>Verify that the provisions of the emergency contingency plan are carried out immediately whenever there is a fire, explosion, or release of contaminants which could pose an immediate or imminent threat to public health, welfare or the environment.</p> <p>Verify that the emergency contingency plan is amended immediately whenever the following occurs.</p> <ul style="list-style-type: none"> - facility permit is modified - plan fails in an emergency - facility's design, operations, maintenance, or other circumstances change in a way that increases the potential for fires, explosions, or releases of hazardous constituents, or necessitate changes to the planned emergency response - list of emergency coordinators changes - list of emergency equipment changes. <p>Verify that the emergency contingency plan for emergencies includes the following, if applicable:</p> <ul style="list-style-type: none"> - description of the actions facility personnel should take in response to fires or other disaster - description of arrangements with local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services - list of the name(s) and telephone numbers of the emergency coordinator(s) (if more than one person is listed, one must be named as the primary emergency coordinator) - list of all emergency equipment at the facility (such as fire extinguishing systems, communications and alarm systems), along with the location,

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<p>SO.160.11.NM. Shipments of 10 or more scrap tires must meet manifest requirements (20.9.20.50 N MAC) [Added March 2008].</p>	<p>physical description, and a summary of the capabilities of each item</p> <ul style="list-style-type: none"> - evacuation plan for facility personnel which describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in cases where the primary routes are blocked by fire or releases of toxins - instructions for the emergency coordinator or his designee, in case of an imminent or actual emergency situation, to immediately: <ul style="list-style-type: none"> - activate internal facility alarms or communication systems, where applicable, to notify all facility personnel - notify appropriate state and local agencies with designated response roles if their assistance is needed - instructions for the emergency coordinator, whenever there is a fire or other disaster, to as quickly as possible identify the nature, source, amount, and extent of any accident of fire by means of observation, review of facility records or manifests, or if necessary, by chemical analysis - instructions for the emergency coordinator to assess possible hazards to public health, welfare or the environment that result from the fire or explosion - instructions for the emergency coordinator to provide for appropriate treatment, storage, or disposal of recovered waste, or any other material that results from a release, fire, or explosion at a facility, after the emergency situation is under control. <p>Verify that each shipment of 10 or more scrap tires generated, or recycled or disposed in New Mexico, and transported by a scrap tire generator or hauler is accompanied by a Department scrap tire manifest.</p> <p>Verify that the generator or his authorized agent signs and dates the manifest and obtain the signature of the initial hauler and date of acceptance on the manifest.</p> <p>Verify that the generator retains a copy of the manifest.</p> <p>Verify that each hauler obtains the signature and date of the individual who accepts the scrap tires for recycling, further transportation or disposal, retains a copy of the manifest, and provides the original manifest to the next hauler or facility operator who receives the scrap tires.</p> <p>(NOTE: Once the scrap tires reach a permitted tire recycling facility, a permitted civil engineering application site, a bona fide beneficial agricultural use, or a solid waste facility having a valid permit or registration, that destination is considered the final destination and must return the signed and dated manifest to the generator. If the scrap tires are transported from the permitted or registered facility or site, the facility or site shall be considered a generator of scrap tires, and a new manifest must be initiated.)</p> <p>Verify that, when a registered scrap tire or registered commercial hauler removes tires for reuse or resale while transporting from a generator site to a permitted tire recycling facility, a permitted civil engineering application site, a bona fide beneficial agricultural use, or a solid waste facility having a valid permit or registration, he retains copies and invoices for the sale of any tires removed from</p>

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	<p>the original shipment for a period of 3 years, showing the name, address, and if available, the phone number of the customer.</p> <p>Verify that, when a registered scrap tire or registered commercial hauler removes for reuse all tires from an individually manifested shipment, the hauler returns the original manifest to the generator within 60 days of the date of collection.</p> <p>(NOTE: If all are not removed, the manifest shall be adjusted to show the number of tires removed. The manifest shall follow the scrap tires to the next hauler or final destination.)</p> <p>Verify that the manifest accurately reflects the required information and is signed and dated by the generator, each hauler of the scrap tires, and by the final destination, acknowledging delivery, number or weight, and receipt of the scrap tires.</p> <p>Verify that all signatories are duly authorized agents of their organizations.</p> <p>Verify that the generator keeps a copy of the originating manifest for 3 years.</p> <p>Verify that the final destination of the scrap tires is a permitted tire recycling facility, a permitted civil engineering application site, a bona fide beneficial agricultural use, or a solid waste facility having a valid permit or registration issued pursuant to the Solid Waste Act 74-9-1, et seq. NMSA 1978.</p> <p>Verify that a scrap tire hauler releases the scrap tires and provides the accompanying scrap tire manifest(s) to the final destination within 30 days after the release of scrap tires from the scrap tire generator.</p> <p>Verify that the generator contacts the department if the original manifest is not received within 60 days of the date of release of the scrap tires.</p> <p>Verify that, upon discovery of any significant discrepancy including, but not limited to, if actual misrepresentation on the manifest, irregularities in transportation or any unauthorized action in regard to the shipment, delivery, or disposal of the scrap tires, the person discovering the discrepancy notifies the department, the generator, the hauler, and the final destination in writing within 24 hours.</p> <p>(NOTE: A discrepancy of over 20 percent between the number of tires released by the generator site, if measured by number, and scrap tires accepted at the final destination, if measured by weight, and unless otherwise accounted for, is considered significant.)</p> <p>Verify that, within 30 days of receipt of a scrap tire shipment at the final destination, the owner or operator of the final destination sends the original signed copy of the manifest to the scrap tire generator, acknowledging receipt of the shipment.</p> <p>Verify that the facility owner or operator lists any significant discrepancies on the</p>

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<p>SO.160.12.NM. Storage of scrap tires and tire derived product by tire recycling and storage facilities, and the temporary storage by civil engineering applications must meet specific requirements (20.9.20.37 NMAC) [Added March 2008].</p>	<p>manifest.</p> <p>Verify that a copy of the manifest is retained by each hauler and final destination for their operating records.</p> <p>Verify that a scrap tire generator retains for a period of 3 years both the originating copy and the returned original manifest signed by the solid waste facility owner or operator and all haulers transporting the waste.</p> <p>Verify that haulers retain a copy of the manifest for a period of 3 years.</p> <p>Verify that of the manifest are retained by the final destination throughout any closure period.</p> <p>(NOTE: This section shall not apply to scrap tires that are collected incidentally to the collection and transportation of municipal solid waste to a permitted or registered facility. The transportation of scrap tires between a permitted or registered solid waste facility and another permitted or registered solid waste facility or permitted civil engineering applications shall be exempt from this section. Transportation of scrap tires by the New Mexico department of transportation and its contractors is exempt from this section. Registered commercial waste haulers that are hired to transport scrap tires from an illegal dump site or an abatement project are exempt from this section.)</p> <p>Verify that a scrap tire storage site is designed, constructed, and operated so that the health, welfare and safety of operators, haulers, and others who may utilize the site are maintained.</p> <p>Verify that outdoor storage of scrap tires is not located within the right of way of any electric power lines and in no event within 20 feet on either side of an electric power line.</p> <p>Verify that open burning is prohibited at all tire storage sites.</p> <p>Verify that smoking is allowed only in designated areas.</p> <p>Verify that scrap tire piles or stacks of tire bales are no greater than 10 feet in height, nor more than 50 feet wide by 100 feet long.</p> <p>Verify that there is a minimum separation of 40 feet between outdoor scrap tire piles, bale stacks, and other stored materials.</p> <p>(NOTE: This 40 foot space shall be designated as a fire lane that totally encircles the tire piles and shall be maintained as an all-weather road.)</p> <p>Verify that outdoor storage piles and bale stacks are separated from grass and weeds by a minimum of 40 feet and from brush and forested areas including pinon</p>

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<p>SO.160.13.NM. Civil engineering application must meet construction and maintenance requirements (20.9.20.41 NMAC) [Added March 2008].</p>	<p>and juniper by a minimum of 100 feet.</p> <p>Verify that, when there are more than 3 outdoor storage piles of scrap tires or scrap tire bales that are 10 feet high by 50 feet wide by 100 feet long, the separation between the groups is at least 75 feet wide.</p> <p>Verify that tires are not stored under bridges, elevated trestles, elevated roadways, or elevated railroads.</p> <p>Verify that, when the bulk volume of scrap tires are more than 20,000 cubic feet, a firmly anchored fence that is at least 6 feet high or other method of security that has been approved by the local fire authority is used.</p> <p>Verify that all gates to the outdoor storage piles of scrap tires are locked when the facility is not staffed.</p> <p>Verify that all gateways, fire breaks and separation lanes are free of obstructions at all times.</p> <p>Verify that the scrap tire storage site has fire extinguishers that are in compliance with the local fire code.</p> <p>Verify that each site permitted as a tire recycling or storage facility conspicuously displays at each entrance a sign at least 1 1/2 feet by 2 1/2 feet in size with clear, legible letters stating the name of the scrap tire storage site using the, name, location, and physical address of the site, the tire recycling or storage facility permit number, the hours of operation and emergency telephone numbers.</p> <p>Verify that the facility has suitable structures or features to prevent surface water run-on from surrounding areas as well as preventing surface runoff from leaving the facility.</p> <p>Verify that the scrap tire storage site is designed, constructed and maintained in accordance with all local building codes, fire codes, and other applicable local codes and regulations including litter and nuisance codes.</p> <p>Verify that an adequate means of suppression or extinguishing fires is provided.</p> <p>Verify that scrap tires kept in temporary storage before and during construction of a civil engineering application are stored in compliance with 20.9.20.37 NMAC.</p> <p>Verify that copies of the required emergency contingency plan are readily accessible to employees on duty.</p> <p>Verify that all civil engineering applications are constructed in a stable manner.</p> <p>Verify that, after completion, all civil engineering applications are inspected on a regular basis by the site owner or operator to observe any weakness or failure of</p>

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<p>SO.160.14.NM. Civil engineering applications using scrap tires for land reclamation must meet operating requirements (20.9.20.43 and 20.9.20.44 NMAC) [Added March 2008].</p>	<p>the structure.</p> <p>Verify that, in the event of a crack, break or collapse of the civil engineering application, the failure is repaired in a timely manner so that scrap tires do not enter contiguously owned property or become a health hazard.</p> <p>Verify that loose tires used for civil engineering applications are filled with soil or other fill material to prevent the tires from becoming harborage for vectors.</p> <p>Verify that the owner or operator of a civil engineering application maintains a written operating record and retain manifests.</p> <p>Verify that, upon completion of the civil engineering application, all excess scrap tires held in temporary storage and equipment used for construction are removed, and a final report is submitted to the department pursuant to 20.9.20.53 NMAC.</p> <p>Verify that undisturbed land is not excavated for the purpose of filling the same land with a mixture of scrap tires and debris or soil.</p> <p>Verify that any borrow area, hole or other disturbed land area to be used for a land reclamation project existed before the project, and it was excavated or soil removed for a purpose other than for the burial of tires or tire pieces.</p> <p>Verify that any person holding a permit for a civil engineering application using scrap tires for land reclamation meets the following requirements:</p> <ul style="list-style-type: none"> - not adversely affect human health, public safety or the environment, either during fill operations or after the reclamation project is completed - not create a public nuisance - place scrap tires below ground mixed in a proportion no greater than 33 percent scrap tires by volume with soil suitable as fill material and compact and grade the structure in a manner that will prevent erosion - maintain a written operating record and retain manifests in compliance during the filling process - not store scrap tires on the ground surface without burial and mixing with inert material for a period longer than one week. <p>Verify that, for an application using 10,000 or more scrap tires per year for land application, no more than 10 acres of land is reclaimed using scrap tires at any one location.</p>
<p>SO.160.15.NM. Tire recycling facilities must meet closure requirements (20.9.20.52 NMAC) [Added</p>	<p>Verify that the owner or operator of the tire recycling facility prepares a written closure plan that describes the steps necessary for closure of the tire recycling facility and any anticipated future uses of the property following closure.</p> <p>Verify that the owner or operator of the tire recycling facility notifies the</p>

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<p>March 2008].</p>	<p>department in writing of the intent to close at least 30 days before the last day tires are to be accepted at the facility and notifies the department in writing within 14 days after the closure is complete.</p> <p>Verify that, within 30 days after site closure is complete, the owner or operator notifies the department certifying that all requirements have been met.</p> <p>Verify that, if the facility was required to provide proof of financial assurance for closure, the department inspects the site within 30 days of closure.</p> <p>Verify that owners or operators of tire recycling facilities meet the following requirements:</p> <ul style="list-style-type: none"> - remove all processed and unprocessed tires - dismantle and remove any improvements related to scrap tire handling and processing, if required in the approved closure plan - comply with all other conditions of the approved closure plan of the permit.
<p>SO.160.16.NM. Completion of scrap tire civil engineering applications must meet specific requirements (20.9.20.53 N MAC) [Added March 2008].</p>	<p>Verify that all scrap tires not used for the civil engineering application are removed.</p> <p>Verify that a completion report is submitted to the department within 60 days after completion.</p> <p>Verify that the report includes photographs documenting that the project has been completed and that all scrap tires not used in the project have been removed.</p> <p>Verify that the department is provided with a final report of the completed civil engineering application including as built drawings in accordance with Subsection D of 20.9.20.49 NMAC.</p> <p>(NOTE: If the civil engineering application used 100,000 scrap tires or more or is more than two scrap tire bales high, the as built shall be signed and sealed by a professional engineer registered in New Mexico.)</p>
<p>SO.160.17.NM. Completion and closure of a civil engineering application that uses scrap tires for land reclamation must meet specific requirements (20.9.20.54 N MAC) [Added March 2008].</p>	<p>Verify that, for completion of a civil engineering application that uses scrap tires for land reclamation, the owner or operator covers the site with 30 inches of compacted native soils and 6 inches of top soil to provide a 36-inch final cover that meets original grade and implement measures where necessary to control erosion and rodent intrusion.</p> <p>Verify that, upon completion of closure, a detailed description of the location of the land reclamation site, including a plat signed by a registered surveyor, is filed with the appropriate county land recording agent.</p> <p>Verify that the description and the plat are filed so that it will be found during a</p>

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	<p>title search and proof of the filing is submitted to the department.</p> <p>Verify that the description perpetually notifies any potential purchaser of the property that:</p> <ul style="list-style-type: none"> - scrap tires have been used to reclaim the land - if applicable, its use is restricted as described in the post-closure care plan. <p>Verify that the owner or operator prepares a written closure and post-closure care plan that describes the steps necessary for closure and post-closure care of the project and any anticipated future uses of the property following closure.</p> <p>Verify that the written plan includes the following:</p> <ul style="list-style-type: none"> - a vegetation plan, if appropriate - a monitoring and repair plan that describes methods to be used to ensure cover integrity, including but not limited to settlement, ponding, water erosion, wind erosion, and inadequate drainage.

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SO.165. YARD WASTE/ COMPOSTING SO.165.1.NM. Composting facilities must meet additional for certified operators and annual reports (20.9.5.27 (I) and (J) NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised March 2008]. SO.165.2.NM. Solid waste composting facilities must comply with specific siting criteria (20.9.4.10 NMAC) [Citation Revised August 1998; Citation Revised September 2003; Citation Revised March 2007; Revised March 2008]. SO.165.3.NM. [Deleted March 2008]. SO.165.4.NM. Composting facilities that accept solid waste must comply with specific closure requirements (20.9.6.11 (A) NMAC) [Citation Revised August	<p>Verify that the owner or operator of every composting facility have a certified operator or representative present at all times while the facility is being operated.</p> <p>Verify the owner or operator of a composting facility that accepts only source separated recyclable or compostable materials submit an annual report to the department within 45 days from the end of each calendar year, describing the operations of the past year.</p> <p>Verify that the reports are certified as true and accurate by the owner or operator and include:</p> <ul style="list-style-type: none"> - the type and weight or volume of recyclable material received during the year - the type and weight or volume of recyclable material sold or otherwise disposed off site during the year - final disposition of material sold or otherwise disposed off-site - any other information requested by the secretary. <p>(NOTE: See SO.6.NM for permit and registration requirements.)</p> <p>Verify that no composting facility that accepts solid waste is located in the following areas:</p> <ul style="list-style-type: none"> - floodplains, within 500 ft of wetlands, or 200 ft of a watercourse - within 500 ft of any permanent residence, school, hospital, institution, or church in existence at the time of the permit application for the composting facility is filed. <p>(NOTE: 20.9.1.400(G) NMAC repealed.)</p> <p>Verify that, within 30 days of closure, a composting facility takes all of the following actions:</p> <ul style="list-style-type: none"> - removes all windrows and in-vessel compost material - removes or vegetates compacted compost material - drains ponds and leachate collection systems, backfills drained areas, and

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<p>1998; Revised September 2003; Revised March 2008].</p> <p>SO.165.5.NM. Composting facilities must comply with specific post closure and monitoring requirements (20.9.6.11 (B) and (C) NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p>	<p>ensures removed contents are properly disposed</p> <ul style="list-style-type: none"> - provides cover, if necessary - if required in the approved closure plan, remove buildings, fences, roads, and equipment, clean up the site, and conduct tests on the soils for contamination. <p>Verify that a composting facility owner or operator maintains groundwater monitoring, if required, to detect migration of contaminants.</p> <p>Verify that a composting facility owner or operator inspects and maintains any cover material.</p> <p>(NOTE: Post-closure inspection and maintenance are not required if the facility owner or operator demonstrates that all requirements of closure have been met and there is no evidence of contamination.)</p>

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SO.175.1.NM. March 2008].	[Deleted	(NOTE: See SO.95 and SO.12 for comparable requirements.)
SO.175.2.NM. March 2008].	[Deleted	(NOTE: See SO.95 and SO.12 for comparable requirements.)
SO.175.3.NM. March 2008].	[Deleted	(NOTE: See SO.95 and SO.12 for comparable requirements.)
SO.175.4.NM. March 2008].	[Deleted	(NOTE: See SO.95 and SO.12 for comparable requirements.)
SO.175.5.NM. March 2008].	[Deleted	(NOTE: See SO.95 and SO.12 for comparable requirements.)
SO.175.6.NM. March 2008].	[Deleted	(NOTE: See SO.95 and SO.12 for comparable requirements.)

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<p>SO.180.</p> <p>CLOSURE OF SOLID WASTE FACILITIES</p> <p>SO.180.1.NM. Solid waste facilities and lateral expansions must comply with general closure requirements (20.9.6.8 NMAC) [Citation Revised August 1998; Revised September 2003 ; Revised March 2008].</p> <p>SO.180.2.NM. Solid waste facilities other than landfills must meet closure and post closure care requirements (20.9.6.12 NMAC) [Citation Revised August 1998; Citation Revised September</p>	<p>Verify that the solid waste facility or lateral expansion has a written closure and post closure care plan.</p> <p>(NOTE: Closure and post-closure plans are required at the time of application for a permit or modification and for non-permitted existing solid waste facilities at least 90 days prior to closure.)</p> <p>Verify that the closure and post-closure care plan has been approved by the Secretary.</p> <p>Verify that the facility notifies the Secretary of its intent to close at least 90 days before closure occurs and notifies in writing within 14 days after becoming a locked facility.</p> <p>(NOTE: Closure and post-closure inspection and maintenance are not required of the facility if the owner or operator demonstrates to the Secretary that all solid waste has been removed, requirements of the closure plan have been met, and following the removal of such wastes, a demonstration is made that the soil has not been contaminated.)</p> <p>Verify that all landfills, except construction and demolition debris landfills, comply with the final cover requirements contained in 20.9.6.9 NMAC (see SO.75.1.NM.).</p> <p>Verify that the owner or operator submits a closure and post-closure report to the department within 60 days after closure completion and post-closure completion.</p> <p>Verify that the reports include the following:</p> <ul style="list-style-type: none"> - a summary of closure or post-closure activities - a certification by a New Mexico registered professional engineer that the closure or post-closure requirements, and if applicable, any corrective action requirements have been completed and all conditions of the approved care plan have been satisfied. <p>Determine whether the solid waste facility is other than a municipal or special waste landfill, construction or demolition landfill, or a composting facility.</p> <p>Verify that the owner or operator of other solid waste facilities cleans up the area at closure.</p> <p>Verify that equipment, buildings, fences, and roads are dismantled and removed,</p>

COMPLIANCE CATEGORY: SOLID WASTE MANAGEMENT New Mexico Supplement	
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2003; Revised March 2008].	<p>if required in the approved closure plan.</p> <p>Verify that soils and groundwater are tested for contamination if requested by the Department.</p> <p>Verify that any conditions of the solid waste facility permit are met.</p> <p>(NOTE: Post closure inspection and maintenance may be waived, if the facility demonstrates that all requirements of closure have been met and there is no evidence of contamination.)</p>

Appendix 9-1

Exemptions to the New Mexico Solid Waste Management Regulations (Source: 20.9.2.11 NMAC) [Added September 2003; Revised March 2008].

20.9.2 - 20-9-10 NMAC does not apply to:

- A. Disposal of solid waste by a homeowner, residential lessee or tenant or agricultural enterprise, on the property she or he owns, rents or leases, if the waste was generated on that property, and the disposal by the homeowner, residential lessee or tenant or agricultural enterprise of the solid waste does not harm the environment or endanger the public health, welfare or safety and does not violate any provision of this Part.
- B. On-site disposal of domestic solid waste generated by a person residing and occupying that same property only if that property is located in a place where it is not feasible, as determined by the Department, to dispose of the solid waste in a permitted solid waste facility and the disposal of the solid waste does not harm the environment or endanger the public health, welfare or safety and does not violate any provision of this Part.
- C. Disposal of construction and demolition debris or yard refuse by a person in possession of property if the material was generated on the property and if the disposal of the solid waste does not violate any provision of 20.9.2 20.9.10NMAC.

Appendix 9-2

Applicability of New Mexico Infectious Waste Regulations

(Source: 20.9.8.13 (A) and (B) NMAC) [Added September 2003; Revised March 2008]

The New Mexico infectious waste regulations apply, without regard to the quantity of infectious waste produced, to any producer of infectious waste including, but not limited to, any:

- general acute care hospitals
- skilled nursing facility or convalescent hospitals
- intermediate care facilities
- in-patient care facilities for the developmentally disabled
- dialysis clinics
- free clinics
- community clinics
- employee clinics
- health maintenance organizations
- home health agencies
- surgical clinics
- urgent care clinics
- acute psychiatric hospitals
- blood/plasma centers
- laboratories
- medical buildings
- physicians' offices
- veterinarians
- dental offices
- acupuncturists
- funeral homes
- eye clinic
- tattoo parlors and body-piercing establishments.

The New Mexico infectious waste regulations apply to all infectious waste storage, treatment, and disposal facilities.

All material that has been rendered non-infectious may be handled as non-infectious waste, provided that:

- it is not an otherwise regulated hazardous waste, special waste, or radioactive waste
- the operator of the disposal facility applies required daily cover prior to any compacting of sharps
- any person that treats infectious waste certifies in writing that the waste has been rendered non-infectious.

Appendix 9-3

Design Criteria for Municipal Landfills, Special Waste Landfills, and Monofills

(Source: 20.9.4.13 NMAC) [Added September 2003; Revised March 2008].

A. Except as specified in 20.9.2.14 NMAC and Subsection C of this section, all new municipal and special waste landfills and lateral expansions to existing municipal and special waste landfills shall provide a containment layer beneath the solid waste which is constructed:

- (1) with a composite liner consisting of two components;
 - (a) the upper component shall consist of a minimum 30-mil flexible or a 60-mil high density polyethylene (HDPE) geomembrane liner or equivalent material; the geomembrane component shall be installed in direct and uniform contact with the lower component; and
 - (b) the lower component shall consist of a geosynthetic clay liner (GCL) or a minimum 24-inch thick layer of compacted soil having a saturated hydraulic conductivity of no more than 1×10^{-7} centimeters per second (cm/sec) throughout its thickness; the soil must be free of particles greater than one inch in any dimension; or
- (2) with an alternative liner in accordance with a design, which provides protection equivalent to the composite liner defined in Paragraph (1) of this subsection.

B. When approving an alternative liner design under this section, the secretary shall consider at least the following factors:

- (1) the climatic factors of the area; and
- (2) the volume and physical and chemical characteristics of the leachate.

C. Asbestos waste monofills and scrap tire monofills may be exempted from the design criteria in this section if the owner or operator demonstrates to the secretary in the permit application that the waste will not generate leachate which poses a threat to ground water quality, but shall still comply with Subparagraph (h) of Paragraph (1) of Subsection A of 20.9.6.9 NMAC.

D. Scrap tire monofills shall be designed with trenches not to exceed a maximum depth of 15 feet, a maximum width of 50 feet, and a maximum length of 100 feet. A distance of 40 feet shall be maintained between trenches. Trenches shall be filled to original grade.

E. The design and construction of all liners shall conform to the following criteria:

- (1) general requirements:
 - (a) all liners must be able to withstand the projected loading stresses and disturbances from overlying waste, waste cover materials, and equipment operation;
 - (b) all liners shall incorporate a leachate collection system that meets the requirements of 20.9.4.15 NMAC; and
 - (c) all liners must be constructed with a minimum two percent slope to promote positive drainage and facilitate leachate collection;
- (2) requirements for geosynthetic components:
 - (a) geosynthetic components of a liner system must be compatible with the waste to be contained; they must be able to resist chemical attack from the waste or leachate; this shall be demonstrated by means of manufacturer's test reports, or laboratory analyses;
 - (b) any geosynthetic materials installed on slopes greater than 25 percent, or on any slope where waste is projected to be more than 100 feet deep, must be designed to withstand the calculated tensile forces acting up on the geosynthetic materials; the design must consider the maximum friction angle of the geosynthetic with regard to any soil-geosynthetic or geosynthetic-geosynthetic interface and must ensure that overall slope stability is maintained; and
 - (c) field seams in geosynthetic material shall be oriented parallel to the line of maximum slope (i.e., oriented along, not across the slope); the number of field seams in corners and irregular shaped areas shall be minimized; there shall be no horizontal seam within five feet of the toe of the slope;
- (3) requirements for the soil component of all liners:

- (a) the bottom geosynthetic layer, shall be placed on a prepared subgrade consisting of, at a minimum, of a 6-inch layer of in-situ soil or select fill compacted to 90 percent standard Proctor density;
- (b) the surface of the soil upon which a geosynthetic liner will be installed must be free of stones greater than 1/2-inch in any dimension, organic matter, local irregularities, protrusions, loose soil, and any abrupt changes in grade that could damage the geosynthetic liner; and
- (c) the soil component of the composite liner defined in Subparagraph (b) of Paragraph (1) of Subsection A of this section shall be compacted to a minimum of 90 percent standard Proctor density and shall have the following physical characteristics unless otherwise specifically approved by the department:
 - (i) plasticity index greater than 10 percent;
 - (ii) liquid limit between 25 percent and 50 percent;
 - (iii) portion of material passing the No. 200 sieve (0.074 mm and less fraction) greater than 40 percent (by weight); and
 - (iv) clay content greater than 18 percent (by weight);
- (4) all liners shall have a top protective cover of at least two feet of granular soil or other material specifically approved by the department; the protective cover shall, in addition to providing physical protection for the liner, facilitate the collection of leachate in the leachate collection system; materials used to construct the protective cover must ensure the hydraulic leachate head on the liner does not exceed one foot; the soil material shall be free of any organic matter and have the following physical characteristics unless otherwise specifically approved by the secretary:
 - (a) portion of material passing the No. 200 sieve (0.074 mm and less fraction) no greater than 5 percent by weight; and
 - (b) uniformity coefficient (Cu) less than 6 where Cu is defined as D60/D10.

Appendix 9-4

Minimum Test Parameters for Landfill Disposal of Municipal Wastewater Sludge [Deleted March 2008]

Appendix 9-5

Groundwater Parameters

[Deleted March 2008]

SECTION 10

STORAGE TANK MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for Storage Tank Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Definitions

- *Above Ground Release* - any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the above ground portion of an underground storage tank (UST) system and releases associated with overfills and transfer operations during regulated substance deliveries to or dispensing from a UST system (Title 20 New Mexico Administrative Code (NMAC), Chapter 5, Part 1, Section 7 (20.5.1.7 NMAC)).
- *Aboveground Storage Tank or AST* - a single tank or combination of manifolded tanks, including pipes connected thereto, that is 1,320 gallons or more and less than 55,000 gallons, is permanently installed, and is used to contain petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure of 60 degrees F and fourteen and seven tenths pounds per square inch absolute, and the volume of which is more than 90 percent above the surface of the ground. Tanks in vaults and special enclosures are ASTs. A compartment tank with combined total capacity greater than 1,320 and less than 55,000 gallons is an AST and for purposes of these regulations is considered to be one tank regardless of the number of compartments and the number of regulated substances contained. Above ground storage tank does not include (regardless of size) any of the following (20.5.1.7 NMAC) [Added August 2002; Revised September 2003; Revised March 2009]:
 1. farm, ranch, or residential tank used for storing motor fuel or heating oil for noncommercial purposes
 2. pipeline facility, including gathering lines regulated under the federal Natural Gas Pipeline Safety Act of 1968 or the federal Hazardous Liquid Pipeline Safety Act of 1979, or that is an intrastate pipeline facility regulated under state laws comparable to either Act
 3. surface impoundment, pit, pond, or lagoon
 4. storm water or wastewater collection system
 5. flow-through process tank
 6. liquid trap, tank or associated gathering lines or other storage methods or devices related to oil, gas or mining exploration, production, transportation, refining, processing or storage, or the oil field service industry operations
 7. tank associated with an emergency generator system
 8. tanks, bulk terminals, or related pipelines and facilities owned or used by a refinery, natural gas processing plant or pipeline company in the regular course of their refining, processing or pipeline business (bulk plants are not included in the exemption)
 9. multiple tanks at a facility that are individually less than 1,320 gallons, unless tanks that are siphoned together have a cumulative total capacity greater than 1,320 gallons
 10. pipes connected to any tank exempted by paragraphs (1) through (9) above.
- *Accidental Release* - any sudden or non-sudden release neither expected nor intended by the tank owner or operator of petroleum or other regulated substance from a storage tank that results in a need for corrective action or compensation for bodily injury or property damage (20.5.1.7 NMAC) [Added March 2010].
- *Ancillary Equipment* - any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, associated with a storage tank (20.5.1.7 NMAC) [Revised September 2003].

- *Applicable Standards* - the most relevant target concentrations that legally apply to a site (20.5.1.7 NMAC) [Added March 2010].
- *AST System* - an above ground storage tank and its associated ancillary equipment and containment system, if any (20.5.1.7 NMAC) [Added August 2002].
- *Basin Sump* - a liquid-tight collection container with no valves, joints or other penetrations (20.5.1.7 NMAC) [Added August 2004].
- *Below Ground Release* - any release to the subsurface of the land or to groundwater. This includes, but is not limited to, releases from the below ground portions of a storage tank system and releases associated with overfills and transfer operations as the regulated substance is delivered to or dispensed from a storage tank (20.5.1.7 NMAC).
- *Beneath the Surface of the Ground* - beneath the ground surface or otherwise covered with materials so that physical inspection is precluded (20.5.1.7 NMAC) [Added March 2010].
- *Bulk Plant* - a facility which is not a bulk terminal, and which is used for the temporary storage of petroleum products prior to delivery to gasoline stations, convenience stores, and commercial accounts, which is smaller than a bulk terminal and is not equipped with any processing equipment (20.5.1.7 NMAC) [Added March 2010].
- *Bulk Terminal* - a large facility for storing and handling petroleum products that receives and stores bulk deliveries of gasoline and other products from a pipeline, barges, or directly from a nearby refinery. Equipment at the terminal facility is usually capable of further processing the product, including but not limited to: injection of additives or conversion of gasoline vapors received from transports after making deliveries using stage one vapor recovery back to liquid form (20.5.1.7 NMAC) [Added March 2010].
- *Bureau* - the New Mexico Petroleum Storage Tank Bureau (20.5.1.7 NMAC) [Added July 2000; Revised August 2002].
- *Cathodic Protection* - a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. A tank system can be cathodically protected through the application of either galvanic anodes or impressed current (20.5.1.7 NMAC) [Added August 2004].
- *Certified Installer* - Certified installer" refers generally to both AST and UST certified installers (20.5.1.7 NMAC) [Added July 2000; Revised September 2003; Revised March 2009].
- *Certified Installer-AST* - an individual who has been certified by the Department after August 15, 2003 under 20.5.14 NMAC to install, replace, repair and modify AST systems in this state (20.5.1.7 NMAC) [Added March 2009].
- *Certified Installer-UST* - an individual who has been certified by the Department after August 15, 2003 under 20.5.14 NMAC to install, replace, repair, and modify UST systems in this state (20.5.1.7 NMAC) [Added March 2009].
- *Certified Operator* - a class A, B, or C operator trained and certified according to the requirements of 20.5.18 NMAC (20.5.1.7 NMAC) [Added March 2010].
- *Change-in-Service* - removing a regulated substance from a storage tank system and placing something in the system that is not a regulated substance (20.5.1.7 NMAC) [Revised March 2009].

- *Compatible* - the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for extended periods of time and under varied environmental conditions (i.e., at different temperatures) (20.5.1.7 NMAC).
- *Connected Piping* - all aboveground and underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual storage tank system, the piping which joins the two storage tank systems should be allocated equally between them (20.5.1.7 NMAC) [Revised September 2003].
- *Contain* - the stopping of further migration of petroleum or regulated substances from a release into or through ground water, surface water, and/or soils (20.5.1.7 NMAC) [Revised July 2000].
- *Containment* - contamination from a release has been contained and is not spreading, migrating, spilling, infiltrating, or otherwise traveling into uncontaminated areas. Verification of containment requires the performance of physical measurements that provide positive proof that contamination is contained (20.5.1.7 NMAC) [Revised July 2000].
- *Containment Sump* - a liquid-tight collection container, which may have valves, joints or penetrations, such as piping penetrations (20.5.1.7 NMAC) [Added August 2004].
- *Contaminant* - any regulated substance as defined in this section, any constituent of a regulated substance, or any combination of a regulated substance or constituent thereof with any other substance or matter (20.5.1.7 NMAC) [Added July 2000].
- *Contaminant of Concern* - any contaminant which is suspected of being released at the site based on site history for which (20.5.1.7 NMAC) [Added July 2000]:
 1. The New Mexico Water Quality Control Commission has adopted standards pursuant to the Water Quality Act; NMSA 1978, section 74-6-1 through 74-6-17;
 2. The New Mexico Environment Improvement Board has adopted standards, action levels, risk-based screening levels or site specific target levels pursuant to the Hazardous Waste Act, the Ground Water Protection Act, or the Environmental Improvement Act; or
 3. The New Mexico Environment Department has established or approved site-specific target levels pursuant to the Hazardous Waste Act, the Ground Water Protection Act, or the Environmental Improvement Act.
- *Contaminant Saturated Soil* - soil exclusive of the water table and capillary fringe in which non-aqueous phase liquid is observable in the soil or, if sufficiently liquid, drains from the soil when the soil is suspended on filter paper or its equivalent (20.5.1.7 NMAC) [Added July 2000].
- *Contaminated Soil* - soil containing detectable quantities of contaminants of concern (20.5.1.7 NMAC) [Added July 2000].
- *Corrective Action* - an action taken to investigate, minimize, eliminate, or clean up a release to protect the public health, safety, and welfare or the environment (20.5.1.7 NMAC) [Added July 2000].
- *Corrosion Expert* - person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be accredited or certified as being qualified by the national association of corrosion engineers international (NACE). A corrosion expert shall only perform the specific activities required by these rules for which he is qualified, certified, registered or licensed; for example, a NACE licensed cathodic protection tester shall not design a cathodic protection system unless he is also a NACE licensed cathodic

protection technologist, specialist or has another equivalent qualification, certification, registration or license. (20.5.1.7 NMAC) [Revised March 2009].

- *Corrosion Prevention Plan* - a plan approved in writing by a corrosion expert for a UST or AST or associated piping, or secondary containment, which plan is designed to maintain the integrity of the tank or piping for its useful life (20.5.1.7 NMAC) [Added September 2003].
- *Critical Junctures* - the steps of an installation, replacement, modification, repair or removal of a tank system or any part of a tank system, which are important to the prevention of releases and which are more specifically described in 20.5.5 and 20.5.8 NMAC. (20.5.1.7 NMAC) [Added August 2004; Revised March 2009].
- *Department* - the New Mexico Environment Department (20.5.1.7 NMAC).
- *Dielectric Material* - a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate storage tank systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of storage tank systems, such as tank from piping (20.5.1.7 NMAC) [Added March 2009].
- *Director* - the Director of the Environmental Protection Division of the Department (20.5.1.7 NMAC) [Revised July 2000].
- *Electrical Equipment* - equipment which contains dielectric fluid which is necessary for the operation of equipment such as transformers and buried electrical cable (20.5.1.7 NMAC) [Added March 2010].
- *Emergency Repair* - a repair required by immediate danger of a release, or by an immediate threat to public health, safety and welfare, or to the environment (20.5.1.7 NMAC) [Added March 2010].
- *Excavation Zone* - the area containing the tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation (20.5.1.7 NMAC).
- *Existing AST System* - an AST system which is used to contain an accumulation of regulated substances or for which installation commenced on or before June 14, 2002. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction at the site or installation of the tank system, and if either: (1) a continuous on-site physical construction or installation program has begun, or: (2) the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction at the site or installation of the tank system to be completed within a reasonable time (20.5.1.7 NMAC) [Added August 2002; Revised September 2003].
- *Existing UST system* - a UST system which is used to contain an accumulation of regulated substances or for which installation has commenced on or before December 22, 1988. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system, and if either (1) a continuous on-site physical construction or installation program has begun, or (2) the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction at the site or installation of the tank system to be completed within a reasonable time (20.5.1.7 NMAC) [Added August 2002].
- *Exposed Petroleum Products* - petroleum that is present in the nonaqueous phase (i.e. not dissolved in water) on the surface of the ground, on surface water, or in any surface or subsurface structures such as utility corridors, basements, and manholes (20.5.1.7 NMAC) [Revised July 2000].

- *Exposed Hazardous Substance* - a regulated substance other than petroleum that is present on the surface of the ground, on surface water, or in any surface or subsurface structures such as utility corridors, basements, and manholes (20.5.1.7 NMAC) [Revised July 2000; Revised September 2003].
- *Facility* - a property location that contains storage tanks (20.5.1.7 NMAC) [Added March 2010].
- *Farm Tank* - a tank located on a tract of land devoted to the production of crops, or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, range land, and nurseries with growing operations (20.5.1.7 NMAC) [Added September 2003].
- *Flow-through Process Tank* - a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process. (20.5.1.7 NMAC) [Revised March 2009].
- *Functionality Test* - a test for automatic line leak detectors which determines whether they are operating correctly (20.5.1.7 NMAC) [Added March 2010].
- *Gathering Lines* - any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations (20.5.1.7 NMAC).
- *Hazardous Substance UST System or Hazardous Substance UST* - an underground storage tank system that contains an accumulation of hazardous substances defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) but not including any substance regulated as a hazardous waste under Subtitle C of the federal Resource Conservation and Recovery Act (RCRA). Hazardous substance UST includes a tank with a mixture of such substances and petroleum, but which is not a petroleum UST system. (20.5.1.7 NMAC) [Revised September 2003; Revised March 2009].
- *Heating Oil* - a type of fuel oil that is one of eight technical grades. These grades are No. 1; No. 2; No. 4--light; No. 4--heavy; No. 5--light; No. 5--heavy; No. 6; and residual. Heating oil also refers to fuel oil substitutes such as kerosene or diesel when used for heating purposes (20.5.1.7 NMAC).
- *Hydraulic Lift Tank* - a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices (20.5.1.7 NMAC) [Added March 2010].
- *Initiation of Containment* - the point in time at which a system designed to achieve containment is put into continuous operation (20.5.1.7 NMAC) [Revised July 2000].
- *Install or Installation* - the work involved in placing a storage tank system or any part thereof in, on or above the ground and preparing it to be placed in service (20.5.1.7 NMAC) [Citation Revised July 2000; Revised September 2003].
- *Integrity Test* - an evaluation process that has been independently tested and approved by a nationally recognized association or independent testing laboratory to determine, in the case of a UST, the suitability of the tank for continuous containment of a regulated substance, or, in the case of an AST, both the suitability of the tank for continuous containment of a regulated substance and the necessary hydraulic properties of the tank to contain the outward pressure of the regulated substance (20.5.1.7 NMAC) [Added August 2004].
- *Internal Inspection* - a formal inspection of an AST by an inspector authorized by the American Petroleum Institute or certified by the Steel Tank Institute. The inspection shall determine whether the AST tank bottom or shell is severely corroded and leaking, and shall include an evaluation of the tank bottom and shell thickness to

see whether they meet minimum thickness requirements. The inspector shall visually examine all tanks included in the inspection and, if applicable, check for tank bottom settlement (20.5.1.7 NMAC) [Added August 2004].

- *Interstitial Monitoring* - a leak detection method which surveys the space between a storage tank system's walls and the secondary containment system for a change in steady state conditions (20.5.1.7 NMAC) [Revised September 2003; Revised March 2009].
- *Liquid Trap* - sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. Such liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream (20.5.1.7 NMAC) [Added August 2004].
- *Loading Rack* - the area around and including loading arms, pumps, meters, shutoff valves, relief valves, and other equipment used to load and unload fuel cargo tanks, trucks, tank trucks, railroad cars, cars, other distribution containers or other transport vehicles, if the loading rack services or is attached to one or more storage tank(s) regulated in 20.5 NMAC (20.5.1.7 NMAC) [Added March 2009].
- *Lower Explosive Limit* - the lowest percentage of a substance in an airspace that is explosive (20.5.1.7 NMAC) [Citation Revised July 2000].
- *Magnitude of Contamination* - the maximum concentrations of contaminants of concern that resulted from a release (20.5.1.7 NMAC) [Added March 2010].
- *Mobile AST* - an above ground storage tank that is not field-erected, and which is capable of changes in location (20.5.1.7 NMAC) [Added September 2003].
- *Modification* - any change to any portion of a storage tank system that is not a repair. For purposes of 20.5.14 NMAC, the term does not include the process of relining a tank through the application of such materials as epoxy resins (20.5.1.7 NMAC) [Added March 2010].
- *Monthly* - once per month, not to exceed 35 days (20.5.1.7 NMAC) [Added March 2010].
- *Motor Fuel* - a petroleum-based fuel used in the operation of an engine that propels a vehicle for transportation of people or cargo (20.5.1.7 NMAC).
- *Motor Fuel Dispenser System* - a motor fuel dispenser and the equipment necessary to connect the dispenser to a storage tank system. The equipment necessary to connect the motor fuel dispenser to the storage tank may include check valves, shear valves, unburied risers of flexible connectors, or other transitional components that are beneath the dispenser and connect the dispenser to the piping (20.5.1.7 NMAC) [Added March 2009].
- *New AST System* - an AST system for which installation has commenced after 14 June 2002. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction at the site or installation of the tank, and if either (1) a continuous on-site physical construction or installation program has begun, or (2) the owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial loss for physical construction at the site or installation of the tank system to be completed within a reasonable time (20.5.1.7 NMAC) [Added August 2002; Revised March 2010].
- *New Storage Tank System* - a new AST system or a new UST system (20.5.1.7 NMAC) [Added August 2002].
- *New UST Tank System* - an UST system for which installation has commenced after 22 December 1988. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals, or permits necessary to begin physical construction at the site or installation of the tank, and if

either: (1) a continuous on-site physical construction or installation program has begun, or (2) the owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial loss for physical construction at the site or installation of the tank system to be completed within a reasonable time (20.5.1.7 NMAC) [Added August 2002].

- *Non-Aqueous Phase Liquid (NAPL)* - an interstitial body of liquid oil, petroleum product or organic solvent or other organic substance, including an emulsion containing such material; in the case of liquid oil or a petroleum product, the term is synonymous with "phase separated hydrocarbon" and "free product" (20.5.1.7 NMAC) [Added March 2010].
- *Normal Maintenance* - an activity involving work on a storage tank system that is not a repair, replacement, or installation, which may include but is not limited to: painting, replacing fuses, or touchup. Any time an activity involves disconnecting or affecting the integrity of the piping, tank, spill or overfill systems, or work on line or tank leak detection systems, then the activity is not normal maintenance but is instead a repair (20.5.1.7 NMAC) [Added March 2009].
- *On the Premises Where Stored* - with respect to heating oil means storage tank systems located on the same property where the stored heating oil is used (20.5.1.7 NMAC).
- *Operational Life* - the period beginning from the time when the installation of the tank system is commenced until it is properly closed, meeting standards for permanent closure (20.5.1.7 NMAC).
- *Operator* - any person in control of, or having responsibility for, the daily operation of a storage tank system (20.5.1.7 NMAC).
- *Overfill Release* - a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment (20.5.1.7 NMAC).
- *Owner* - in the case of a storage tank in use on November 8, 1984 or brought into use after that date, any person who owns a storage tank used for storage, use, or dispensing of regulated substances; and in the case of a storage tank in use before November 8, 1984 but no longer in use after that date, any person who owned such tank immediately before the discontinuation of its use. For purposes of the registration requirements of 20.5.2 NMAC only, the term "owner" excludes any person who: (1) had a UST taken out of operation on or before January 1, 1974, (2) had a UST taken out of operation after January 1, 1974 and removed from the ground prior to November 8, 1984, or (3) had an AST taken out of operation on or before July 1, 2002 (20.5.1.7 NMAC) [Added August 2004].
- *Permanently Installed AST* - an AST that is on site for more than 365 consecutive days and dispensing or storing a regulated substance for distribution at any time during that period (20.5.1.7 NMAC) [Added March 2010].
- *Person* - any individual, trust, firm, joint stock company, Federal agency, corporation including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body. "Person" includes a consortium, a joint venture, a commercial entity, and the United States Government (20.5.1.7 NMAC).
- *Petroleum* - crude oil, crude oil fractions, and refined petroleum fractions, including gasoline, kerosene, heating oils, and diesel fuels (20.5.1.7 NMAC).
- *Petroleum Tank System or Petroleum Storage Tank or Petroleum UST* - a storage tank system that contains an accumulation of petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils (20.5.1.7 NMAC) [Revised August 2002; Revised September 2003].

- *Pipeline Facilities (including gathering lines)* - new and existing pipeline rights-of-way and any equipment, facilities, or buildings regulated under the Federal Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. App. 1671, et seq., or the Federal Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. App. 2001, et seq., or which is an intrastate pipeline facility regulated under state laws comparable to either act (20.5.1.7 NMAC).
- *Piping* - the hollow cylinder or the tubular conduit constructed of non-earthen materials that routinely contains and conveys regulated substances within a storage tank system. Such piping includes any elbows, couplings, unions, valves, or other in-line fixtures that contain and convey regulated substances from the storage tank to the dispenser or other end-use equipment. (20.5.1.7 NMAC) [Added August 2004; Revised March 2009].
- *Potable Drinking Water Well* - any hole (dug, driven, drilled, or bored) that extends into the earth until it meets groundwater which may supply water for a community water system, a non-community public water system, or otherwise may supply water for human consumption (consisting of drinking, bathing, cooking, or other similar uses). Such wells may provide water to entities such as a single-family residence, group of residences, businesses, schools, parks, campgrounds, and other permanent or seasonal communities (20.5.1.7 NMAC) [Added March 2009].
- *Potentially Explosive Levels of Petroleum Hydrocarbon Vapors* - vapors that register in excess of 30 percent LEL (lower explosivity limit) on a combustible gas indicator properly calibrated for pentane (20.5.1.7 NMAC) [Citation Revised July 2000].
- *Potentially Harmful Petroleum Hydrocarbon Vapors* - vapors that register a reading of 5 ppm total aromatic hydrocarbons in any off-site surface or subsurface structure, or 10 ppm total aromatic hydrocarbons in any on-site structure, on a photoionization detector, flame ionization detector, or an equivalent device properly calibrated to detect hydrocarbon vapors at a minimum detection limit of at least 1 ppm (20.5.1.7 NMAC) [Citation Revised July 2000].
- *Public Water Supply* - a system for the provision to the public of piped water for human consumption (consisting of drinking, bathing, cooking, or other similar uses) if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "community water system" or a "non-community water system." (20.5.1.7 NMAC) [Citation Revised July 2000; Revised March 2009].
- *Receptor* - a person, plant or animal community, structure, utility, surface water, designated wellhead or source water protection area or water supply well that is or may be adversely affected by a release (20.5.1.7 NMAC) [Added March 2010].
- *Regulated Substance* - (20.5.1.7 NMAC) [Revised August 2002; Revised March 2009]:
 1. for USTs: any substance defined in Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, but not including any substance regulated as a hazardous waste under Subtitle C of the federal Resource Conservation and Recovery Act, as amended; and
 2. for ASTs and USTs: petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure of 60 degrees Fahrenheit and fourteen and seven tenths pounds per square inch absolute; asphalt is not a regulated substance; the term "regulated substance" includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels (including ethanol-based motor fuels), jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.
- *Release* - spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a regulated substance from a storage tank system into groundwater, surface water, or subsurface soils (20.5.1.7 NMAC) [Revised September 2003].

- *Release Detection* - determining whether a release of a regulated substance has occurred from the storage tank system into the environment or into the interstitial area between the storage tank system and a secondary barrier around it (20.5.1.7 NMAC) [Added September 2003].
- *Remediation* - the process of reducing the concentration of contaminants in air, water or soil to a level that poses an acceptable risk to public health, safety and welfare and the environment (20.5.1.7 NMAC) [Added March 2010].
- *Repair* - to restore any defective or damaged part of a storage tank system. Repair does not include normal maintenance. For these purposes, normal maintenance shall include but is not limited to: painting, replacing fuses, or touchup. Any time an activity involves disconnecting or affecting the integrity of the piping, tank, spill or overfill systems, or work on line or tank leak detection systems, then the activity is not normal maintenance and is a repair. (20.5.1.7 NMAC) [Citation Revised July 2000; Revised September 2003; Revised March 2010].
- *Replace* - (20.5.1.7 NMAC) [Added March 2009]:
 1. for a storage tank or dispenser, to remove an existing tank or dispenser and install a new tank or dispenser; and
 2. for piping, to remove and put back in any amount of piping connected to a single tank that is installed after April 4, 2008 or to a single tank that is replaced after April 4, 2008; replacing piping also means removing five or more feet of piping and installing new piping within 30 days.
- *Residential Tank* - a tank located on property used primarily for dwelling purposes (20.5.1.7 NMAC).
- *Rural and Remote Area* - that a storage tank facility is located in an area that is more than 20 miles from another facility that sells fuel to the public and that is open year round (20.5.1.7 NMAC) [Added March 2010].
- *Secondary Containment* - a release prevention and release detection system for a storage tank its piping and associated ancillary equipment that is designed to prevent a release from migrating beyond the secondary containment system outer wall (in the case of a double-walled tank system) or excavation area (in the case of a liner or vault system) before the release can be detected. Such a system may include, but is not limited to, synthetic impervious liners (20.5.1.7 NMAC) [Revised September 2003; Revised March 2009].
- *Septic Tank* - a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility (20.5.1.7 NMAC).
- *Site* - a place where there is or was at a previous time one or more storage tanks and may include areas contiguous to the actual location or previous location of the tanks (20.5.1.7 NMAC) [Added March 2010].
- *Site Conceptual Exposure Scenario* - a qualitative evaluation of exposure information for a site that identifies the relevant contaminant source, release mechanisms, media of concern, complete and incomplete exposure pathways, and receptors (20.5.1.7 NMAC) [Added August 2004].
- *Source Water* - water that could be used for domestic purposes, including but not limited to ground water, natural springs, and surface water, even if such water is not current being used for domestic purposes (20.5.1.7 NMAC) [Added March 2009].
- *Special Enclosure* - an above or below grade AST installation that surrounds an AST or ASTs, including but not limited to pits, cellars, and basements (20.5.1.7 NMAC) [Added March 2010].
- *Spill* -

1. any spill or overfill of a regulated substance that exceeds its reportable quantity under CERCLA (40 CFR 302)
 2. any spill or overfill of petroleum that exceeds 25 gal or causes a sheen on surface water or reaches ground water
 3. any spill or overfill of petroleum of 25 gal or less the clean up of which cannot be accomplished within 24 hours (20.5.1.7 NMAC).
- *Storage Tank* - any above ground storage tank (see definition) or underground storage tank (see definition) (20.5.1.7 NMAC) [Added August 2002; Revised March 2009].
 - *Storage Tank System* - a storage tank and its associated ancillary equipment and containment system, if any (20.5.1.7 NMAC) [Added August 2002].
 - *Stormwater or Wastewater Collection System* - piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur (20.5.1.7 NMAC).
 - *Sump* - any pit or reservoir that meets the definition of tank, including troughs or trenches connected to it, which serves to temporarily collect regulated substances (20.5.1.7 NMAC).
 - *Surface Impoundment* - a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) that is designed to hold an accumulation of regulated substances and that is not an injection well (20.5.1.7 NMAC).
 - *Tank* - a stationary device designed to contain an accumulation of regulated substances and which is constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support (20.5.1.7 NMAC).
 - *Tightness Testing* - a procedure for testing the ability of a tank system to prevent an inadvertent release of any stored substance into the environment (or, in the case of an UST system, intrusion of ground water into a tank system) (20.5.1.7 NMAC) [Added September 2003].
 - *Underground Area* - an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor (20.5.1.7 NMAC) [Added March 2010].
 - *Underground Storage Tank (UST)* - a single tank or combination of tanks, including pipes connected thereto, which are used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is 10 percent or more beneath the surface of the ground. The term does not include any (20.5.1.7 NMAC) [Revised July 2000; Revised August 2002]:
 1. farm, ranch, or residential tank of 1100 gal or less capacity used for storing motor fuel or heating oil for noncommercial purposes
 2. septic tank
 3. pipeline facility, including gathering lines that are regulated under the Federal Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. App. 1671, et seq., or the Federal Hazardous Liquid Pipeline Safety Act of 1979, 49 U.S.C. App. 2001, et seq., or which is an intrastate pipeline facility regulated under state laws comparable to either act
 4. surface impoundment, pit, pond, or lagoon
 5. storm water or wastewater collection system
 6. flow-through process tank
 7. liquid traps, gathering lines directly related to oil or gas production and gathering operations
 8. storage tank situated in an underground area, such as a basement, cellar, mineworking drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the undesignated floor
 9. tanks associated with an emergency generator system

10. tanks exempted by rule of the Environmental Improvement Board (EIB) after finding that the type of tank is adequately regulated under another federal or state law

11. pipes connected to any tank that is described in the above 10 points.

- *Un-Manned Facility* - a storage tank system without a sales office, store, or other business establishment associated with it. Examples of un-manned facilities include but are not limited to: a card-lock fueling station with no attendant and a tank serving an emergency generator at a utility transfer station (20.5.1.7 NMAC) [Added March 2010].
- *Unsaturated Zone* - the subsurface zone containing water under pressure less than that of the atmosphere, including water held by capillary forces within the soil and containing air or gases generally under atmosphere pressure. This zone is limited above by the ground surface and below by the upper surface of the zone of saturation (i.e., the water table) (20.5.1.7 NMAC).
- *UST System* - an underground storage tank and its associated ancillary equipment and containment system, if any (20.5.1.7 NMAC).
- *Vault* - a liquid-tight structure that completely surrounds a tank, that is above, below, or partially-above or partially-below the ground surface (20.5.1.7 NMAC) [Added September 2003].
- *Wastewater Treatment Tank* - a tank that is a part of a wastewater treatment facility regulated under either Section 402 or 307(b) of the Federal Clean Water Act, and which receives and treats or stores an influent wastewater which contains regulated substances (20.5.1.7 NMAC).

**STORAGE TANK MANAGEMENT
GUIDANCE FOR NEW MEXICO CHECKLIST USERS**

REFER TO CHECKLIST ITEMS:

Missing Checklist Items	ST.2.1.NM.
All Storage Tanks	ST.4.1.NM. through ST.4.46.NM.
Aboveground Storage Tanks	ST.5.1.NM. through ST.5.32.NM.
UST State-Specific	ST.30.1.NM. through ST.30.7.NM.
UST Filling	[Deleted].
UST Corrosion Protection	ST.50.1.NM. and ST.50.2.NM.
UST Releases	ST.80.1.NM. through ST.80.30.NM.
UST Documentation	ST.90.1.NM. through ST.90.3.NM.
Changes in Service or Closure of USTs	ST.95.1.NM. through ST.95.3.NM.
Hazardous Waste Storage Tanks	

(NOTE: New Mexico has adopted the Federal hazardous waste regulations regarding hazardous waste storage tanks for generators and TSDFs.)

GUIDANCE FOR NEW MEXICO APPENDIX USERS

REFER TO APPENDIX NUMBERS: REFER TO APPENDIX TITLES:

10-1	[Deleted]
10-2	Methods of Release Detection for Storage Tanks
10-3	Methods of Release Detection for Piping

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>ST.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>ST.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>ST.4.</p> <p>ALL STORAGE TANKS</p> <p>ST.4.1.NM. All petroleum storage tanks must be registered (20.5.2.2, 20.5.2.8 through 20.5.2.10 NMAC) [Revised August 2004 ; Revised March 2009; Revised March 2010].</p> <p>ST.4.2.NM. Owners or operators of existing petroleum storage tanks systems must notify the Department in writing within 30 days prior to any substantial modification or replacement (20.5.2.11 NMAC) [Revised September</p>	<p>(NOTE: Moved and combined from S T.5.1.NM. and ST.30.1.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>(NOTE: If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this part, including any notice, reporting and payment requirements; however, both parties are liable in the event of noncompliance.)</p> <p>Verify that the owner of any petroleum storage tank registers the tank or tanks with the petroleum storage tank bureau of the Department.</p> <p>(NOTE: Any owner who has filed the form of notice entitled "Notification for Underground Storage Tanks," prescribed by the United States Environmental Protection Agency, is not required to register a tank for which a notice has been filed, provided that the information as stated therein is still current.)</p> <p>Verify that the registration for the storage tank system is renewed annually by payment of the annual fee until the permanent closure of the tank.</p> <p>Verify that the owner notifies the Department in writing at least 30 days before any new AST or UST is installed, and registers any new tank or storage tank system with the Department prior to placing it in service.</p> <p>Verify that, prior to any transfer of ownership, control or possession, whether by lease, conveyance or otherwise, of a property with a registered storage tank system, the transferor notifies the Department.</p> <p>Verify that the transferee re-registers the tank with the Department within 30 days of transfer of ownership.</p> <p>(NOTE: Moved and combined from S T.5.2.NM. and ST.30.2.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that the Department is notified in writing at least 30 days prior to any substantial modification or replacement of an existing storage tank system.</p> <p>(NOTE: Emergency repairs or replacements made when an emergency situation</p>

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<p>2003; Revised March 2009].</p> <p>ST.4.3.NM. Petroleum storage tanks systems must display a current and valid registration certificate (20.5.2.15 NMAC) [Revised September 2003 ; Citation Revised March 2009].</p> <p>ST.4.4.NM. Notification of any known or suspected releases from a petroleum storage tank system must be given to the Department (20.5.2.12 NMAC) [Revised September 2003; Revised August 2004 ; Citation Revised March 2009; Revised March 2010].</p> <p>ST.4.5.NM. Petroleum storage tanks systems must meet specific requirements for spill and overfill prevention equipment (20.5.4.33 (A) through (C) NMAC) [Added September 2003; Revised August 2004; Revised March 2009; Revised March 2010].</p>	<p>presents a threat to the public health and is exempt from the notification requirement.)</p> <p>(NOTE: Moved and combined from ST.5.3.NM. and ST.30.3.NM, August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that a facility does not operate a storage tank system without a current and valid registration certificate.</p> <p>Verify that a current and valid registration certificate is displayed on the premises of the storage tank system at all times.</p> <p>Verify that the Department is updated within 30 days if information provided on the registration form changes or is no longer accurate.</p> <p>(NOTE: Moved from ST.5.4.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that notice of any known or suspected release from a storage tank system, any spill, or any other emergency situation is given to the Department in accordance with the requirements in 20.5.7 NMAC (see ST.4.30.NM. through ST.4.33.NM.).</p> <p>(NOTE: Moved and combined from ST.5.5.NM. and ST.45.1.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that owners and operators use the following spill and overfill prevention methods:</p> <ul style="list-style-type: none"> - spill prevention equipment that will prevent release of regulated substances to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin) - overfill prevention equipment that will do either: <ul style="list-style-type: none"> - automatically shut off flow into the tank when the tank is no more than 95 percent full

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<p>ST.4.6.NM. All petroleum storage tanks must meet specific operational and maintenance requirements (20.5.5.8 (C) through (E) NMAC) [Added August 2004; Citation Revised March 2007 Revised March 2 009; Revised March 2010].</p>	<ul style="list-style-type: none"> - alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level audible alarm. <p>(NOTE: Owners and operators are not required to use the spill and overfill prevention equipment if approved in writing in advance by the Department where any of the following conditions are met:</p> <ul style="list-style-type: none"> - alternative equipment is used that is determined by the Department to be no less protective of public health, safety and welfare and the environment than the equipment specified - the storage tank system is filled by transfers of no more than 25 gallons at one time - for any AST system where the fill port is located within a secondary containment system.) <p>(NOTE: If owners and operators want to install tanks, piping, storage tank systems, spill and overfill equipment or secondary containment by another method in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory, owners and operators apply in writing to the Department, provide supporting documentation, and do not begin the installation unless and until the Department approves the request in writing.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that all tanks, piping and other associated equipment for all petroleum storage tank systems are maintained and are fully operational at all times.</p> <p>Verify that fill port lids of ASTs and USTs are marked.</p> <p>Verify that the contents of all storage tanks are clearly labeled.</p> <p>Verify that, if any steel piping installed in a trench is used in an AST or UST system, the owners and operators meet the following requirements:</p> <ul style="list-style-type: none"> - visually inspect the trench monthly - draw off any water that has accumulated in the trench within one week of a rainfall event - remove any other debris that has accumulated inside the trench - properly treat and dispose of any accumulated water with a visible sheen - if a basin sump is located in the trench, keep the basin sump free of water and debris - do not install any valves in any basin sump in a piping trench. <p>Verify that all sumps (including, but not limited to : turbine sumps, STP and submersible pumps) are maintained.</p>

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<p>ST.4.7.NM. All petroleum ASTs with secondary containment must meet specific operation and maintenance requirements (20.5.5.10 (A) through (G) NMAC) [Added August 2004; Revised March 2009; Revised March 2010].</p>	<p>Verify that sumps are maintained in the following manner:</p> <ul style="list-style-type: none"> - draw off water that has accumulated in the sumps within one week of a rainfall event - remove any other debris that has accumulated inside the containment sumps - properly treat and dispose of any accumulated water with a visible sheen - if gravity drain valves are used to remove water from the containment sumps, keep all valves closed except during the process of draining water. <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that materials are not stored in the secondary containment that reduces the volume of the secondary containment</p> <p>Verify that any material that is chemically reactive with the regulated substance stored in the AST system, or with the AST itself is not stored inside the secondary containment.</p> <p>Verify that secondary containment areas are maintained in the following manner:</p> <ul style="list-style-type: none"> - draw off water accumulated in the secondary containment within one week of a rainfall event - remove any other debris accumulated inside the secondary containment - properly treat and dispose of any accumulated water that has a visible sheen - if gravity drain valves are used to remove water from the secondary containment, keep all valves closed except during the process of draining water. <p>Verify that all secondary containment systems are maintained, repaired, and replaced in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that geosynthetic liners are maintained, repaired, and replaced according to manufacturer's instructions that are kept readily available at the facility for the life of the liner.</p> <p>Verify that secondary containment constructed of steel is protected and any portion of the steel secondary containment that is in contact with soil or water is cathodically protected.</p> <p>Verify that the exterior of any steel secondary containment is maintained in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that, in order to maintain the highest level of secondary containment in</p>

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<p>ST.4.8.NM. Owners and operators of vaults for petroleum storage tanks must meet operation and maintenance requirements (20.5.5.12 NMAC) [Added August 2004 ; Citation Revised March 2009; Revised March 2010].</p>	<p>case of a discharge from, or an overfill of, an AST system, owners and operators keep the spill containment buckets, catchment basins, containment sumps, basin sumps, and piping trenches free of water, regulated substances and debris.</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators maintain and repair the walls and floor of a vault in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that owners and operators visually inspect the interior of any vault from the outside monthly, and annually enter and inspect the interior of the vault.</p> <p>Verify that vaults are maintained in the following manner:</p> <ul style="list-style-type: none"> - draw off water that has accumulated in vault sumps within one week of a rainfall event, if the water is in contact with the tank or piping (but need not draw off water only in contact with a tank's saddles, skid or other support) - remove any other debris that has accumulated inside the vault and that is in contact with the tank, piping or saddle, skid or other support - properly treat and dispose of any accumulated water with a visible sheen <p>Verify that, if a sump is located in the vault, the liquid trap is free of water and debris.</p> <p>Verify that valves are not installed in any sump in a vault.</p> <p>Verify that material is not stored inside a vault that is chemically reactive with the regulated substance stored in the AST system, or with the AST itself.</p> <p>Verify that the vault is well vented before any fuel transfer begins, and that all vents in the vault are kept open during the transfer.</p> <p>Verify that, for vaults with roofs, the roof of the vault is properly maintained and repaired in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p>
<p>ST.4.9.NM. Owners and operators of petroleum storage tanks with venting systems must meet operational and maintenance requirements (20.5.5.13</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that venting systems are maintained and repaired in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in</p>

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<p>NMAC) [Added August 2004; Revised March 2009; Revised March 2010].</p> <p>ST.4.10.NM. Owners and operators of petroleum storage tanks must meet specific operational requirements for control of spills and overfills (20.5.5.14 NMAC) [Added September 2003; Citation Revised August 2004 ; Citation Revised March 2009; Revised March 2010].</p> <p>ST.4.11.NM. Owners and operators of petroleum storage tanks must meet specific operational and maintenance requirements for</p>	<p>writing by the Department.</p> <p>Verify that emergency vents are checked at least monthly, to ensure they are operational.</p> <p>(NOTE: Moved from ST.5.14.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that there are no releases due to spilling or overfilling.</p> <p>Verify that all spill and overfill equipment required in Subsection A of 20.5.4.402 NMAC (see ST.4.5.NM.) is properly maintained and fully operational at all times.</p> <p>Verify that owners and operators ensure that the volume available in a tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.</p> <p>Verify that the owners and operators comply with the transfer procedures described in the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that owners and operators report, investigate, and clean up any spills and overfills.</p> <p>(NOTE: The following may be used to comply with this requirement:</p> <ul style="list-style-type: none"> - national fire protection association standard 385, "standard for tank vehicles for flammable and combustible liquids;" - American petroleum institute publication RP 1621, "bulk liquid stock control at retail outlets;" - national fire protection association 30, "flammable and combustible liquids code;" - national fire protection association 30A, "code for motor fuel dispensing facilities and repair garages;" - petroleum equipment institute publication RP200, "recommended practices for installation of above ground storage systems for motor vehicle fueling;" or - international code council, "international fire code.") <p>(NOTE: Moved from ST.5.15.NM., August 2004).</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that steel storage tank systems with any steel tank or piping with corrosion</p>

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corrosion protection (20.5.5.15 NMAC) [Added September 2003; Revised August 2004 ; Citation Revised March 2009; Revised March 2010].	<p>protection comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the storage tank system is used to store regulated substances:</p> <ul style="list-style-type: none"> - owners and operators operate and maintain corrosion protection systems to continuously provide corrosion protection to all metal components of the system that are in contact with the ground or water - owners and operators operate and maintain corrosion protection systems in accordance with the current edition of a national industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department. <p>Verify that owners and operators ensure that all storage tank systems equipped with cathodic protection are inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:</p> <ul style="list-style-type: none"> - test all cathodic protection systems within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame approved in advance in writing by the Department - the inspection criteria are in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory. <p>Verify that owners and operators inspect storage tank systems with impressed current cathodic protection systems every 60 days to ensure the equipment is running properly.</p> <p>Verify that owners and operators record the date, time, readings and results of each inspection in a log kept at the facility, and indicate who performed each inspection.</p> <p>Verify that, for storage tank systems using cathodic protection, owners and operators maintain records of the operation of the cathodic protection and provide the following:</p> <ul style="list-style-type: none"> - the results of the last 3 inspections required for storage tank systems with impressed current cathodic protection systems - the results of testing from the last 2 inspections required for storage tank systems equipped with cathodic protection. <p>ST.4.12.NM. Petroleum storage tanks must be compatible with the contents stored (20.5.5.16 NMAC) [Added September 2003; Citation Revised August 2004; Citation Revised March</p>

(NOTE: Moved from ST.5.16.NM., August 2004.)

(NOTE: See Appendix 10-4 for applicability and exemptions.)

Verify that owners and operators use a storage tank system made of or lined with materials that are compatible with the substance stored in the storage tank system.

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<p>2009].</p> <p>ST.4.13.NM. Repairs and modifications to petroleum storage tank systems must meet specific requirements (20.5.5.17 NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>Verify that owners and operators storing alcohol blends use the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>(NOTE: Moved from ST.5.17.NM., August 2004).</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators of a storage tank system ensure that repairs and modifications will prevent releases due to structural failure or corrosion as long as the storage tank system is used to store regulated substances.</p> <p>Verify that repairs, replacements, and modifications to storage tank systems are conducted in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that ASTs are not internally lined as a means of repair.</p> <p>Verify that a storage tank is tightness tested when the storage tank system has been repaired, replaced, or modified prior to returning the system to service except:</p> <ul style="list-style-type: none"> - if the repaired or modified tank is internally inspected in accordance with the current edition of an industry code or standard approved in advance in writing by the Department - if the repaired or modified portion of the storage tank system is monitored monthly for releases, or - owners and operators use an equivalent test method, which complies with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department. <p>Verify that, upon completion of a modification or repair of a non-cathodically protected storage tank system, the cathodic protection system is tested to ensure that it is operating properly.</p> <p>Verify that records of each repair and modification that demonstrate compliance with this section are maintained for the remaining operating life of the storage tank system.</p> <p>Verify that an above ground storage tank is repaired if an internal inspection determines that a release is occurring or that the tank bottom or shell thickness is below minimum thickness requirements.</p> <p>Verify that records of internal inspections are kept for the life of the tank.</p>

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<p>ST.4.14.NM. Petroleum storage tank owners/operators must meet specific reporting requirements (20.5.5.18 NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>(NOTE: Minimum thickness requirements will be determined by one of the following:</p> <ul style="list-style-type: none"> - the manufacturer's specifications - the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory - the minimum thickness for the tank bottom will never be less than one half of the original bottom plate thickness and minimum thickness for the tank will never be less than 0.1 inch.)
	<p>(NOTE: Moved and combined from ST.5.18.NM. and ST. 90.1.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators of a storage tank system submit the following information to the Department:</p> <ul style="list-style-type: none"> - registration for all storage tank systems, which includes certification of installation for new UST and AST systems - reports of all releases, including suspected releases, spills and overfills, and confirmed releases - corrective actions planned or taken - a notification before storage tank system installation, repair or modification, or permanent closure or change-in-service - updated project drawings for any addition, replacement or modification of a storage tank system. <p>(NOTE: It may not be feasible for owners and operators to provide advance notice of emergency repairs; however, owners and operators will provide notice of emergency repairs as soon as possible after completing emergency repairs.)</p>
<p>ST.4.15.NM. Petroleum storage tank owners/operators must meet specific recordkeeping requirements (20.5.5.19 NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>NOTE: Moved from ST.5.19.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators maintain the following information:</p> <ul style="list-style-type: none"> - a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used - documentation of operation of corrosion protection equipment - documentation of storage tank system repairs - recent compliance with release detection requirements - results of the site investigation conducted at permanent closure - inspection logs - tank tightness, internal inspection and integrity test documents - any document approving any alternate method

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	<p>- any other record or written approval required.</p> <p>Verify that owners and operators keep the required records either:</p> <ul style="list-style-type: none"> - at the storage tank site and immediately available for inspection by the Department or - at a readily available alternative site, and the records are provided for inspection to the Department upon request. <p>(NOTE: If records are not available at a site during inspection, owners and operators will mail or send by facsimile transmission to the inspector within 10 working days all records requested by the inspector.)</p> <p>(NOTE: In the case of permanent closure records, owners and operators mail closure records to the Department if they cannot be kept at the site or a n alternative site as indicated above.)</p> <p>(NOTE: If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this section; however, both parties are liable in the event of non-compliance.)</p>
ST.4.16.NM. [Deleted March 2009].	(NOTE: 20.5.6.600 and 20.5.6.601 NMAC repealed.)
ST.4.17.NM. Petroleum storage tank systems must maintain records to demonstrate compliance with release detection requirements (20.5.6.25 NMAC) [Added August 2004 ; Citation Revised March 2009; Revised March 2010].	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that all storage tank system owners and operators maintain records to demonstrate compliance with release detection requirements.</p> <p>(NOTE: If the owner and operator of a storage tank are separate persons, only one person is required to maintain the records, however, both parties are liable in the event of noncompliance.)</p> <p>Verify that the following records are maintained:</p> <ul style="list-style-type: none"> - all written performance claims pertaining to a ny release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, are maintained for 5 years, or for another reasonable period of time approved in advance of installation in writing by the Department, from the date of installation - the results of any sampling, testing, or monitoring are maintained for at least a year, or for an other reasonable period of time approved in advance of installation in writing by the Department, except that the results of tank tightness testing are retained until the next test is conducted - written documentation of all calibration, maintenance, and repair of release

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<p>ST.4.18.NM. Petroleum storage tank owners and operators must meet notification requirements prior to closure or change-in-service of storage tanks (20.5.8.8 (A) through (D) and (F) NMAC) [Revised August 1998; Revised August 2004 ; Revised March 2009].</p>	<p>detection equipment permanently located on-site is maintained for at least one year after the servicing work is completed, or for another reasonable time period approved in advance of installation in writing by the Department</p> <ul style="list-style-type: none"> - any schedules of required calibration and maintenance provided by the release detection equipment manufacturer are retained for 5 years from the date of installation. <p>(NOTE: Moved from ST.95.2.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators notify the Department orally or in writing of their intent to close or make the change-in-service at least 30 days before beginning either permanent closure, temporary closure, a change-in-service, or removal of a tank (unless such action is in response to corrective action).</p> <p>Verify that owners and operators notify the Department orally or in writing at least 30 days prior to placing any regulated substance into a tank that has been in temporary or permanent closure or before a return to service.</p> <p>Verify that owners, operators, and certified tank installers give the Department notice of the dates on which critical junctures in the removal, change in service, return to service and closure of the storage tank system are to take place.</p> <p>Verify that the above notice is given at least 24 hours before any critical juncture begins and is either oral or written.</p> <p>(NOTE: For removal, change in service, return to service, or storage tank system closure, the term "critical junctures" means:</p> <ul style="list-style-type: none"> - completion of the excavation of a UST or piping - cleaning and devaporizing of a tank - the actual removal of a UST or its associated piping from the ground, or the filling of a UST in place - actual permanent closure of an AST and its associated piping from any location where it has been in use - assessment of a tank site for releases.) <p>(NOTE: If owners, operators, and certified tank installers are separate persons, only one person is required to comply with the notice requirements of this section; however, all parties are liable in the event of noncompliance.)</p>
<p>ST.4.19.NM. Petroleum storage tank owners and operators must meet specific requirements for the temporary closure of storage</p>	<p>(NOTE: Moved from ST.5.21.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>(NOTE: A storage tank system is empty when all regulated substances have been</p>

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<p>tank systems (20.5.8.9 NMAC) [Added September 2003; Citation Revised August 2004; Revised March 2009].</p>	<p>removed using commonly employed practices so that no more than 2 and a half centimeters (one inch) of residue, or three-tenths percent by weight of the total capacity of the storage tank system, remain in the system.)</p> <p>Verify that when a storage tank system is temporarily closed, owners and operators continue operation and maintenance of corrosion protection, any release detection, and comply with release response requirements if a release is suspected or confirmed.</p> <p>(NOTE: Release detection is not required as long as the storage tank system is empty.)</p> <p>Verify that when a storage tank system is temporarily closed for 3 months or more, owners and operators also comply with all of the following requirements:</p> <ul style="list-style-type: none"> - leave vent lines open and functioning - cap and secure all other lines, pumps, manways, and ancillary equipment - for ASTs, disconnect and cap all associated piping from the AST as soon as the tank is emptied and cleaned. <p>Verify that when an UST system is temporarily closed for more than 12 months, owners and operators permanently close the UST system if it does not meet the performance standards for new UST systems or the UST upgrade requirements, except that the spill and overfill equipment requirements do not have to be met.</p> <p>Verify that when an AST system is temporarily closed for more than 12 months, owners and operators permanently close the AST system if it does not meet the performance standards for new AST systems, except that the spill and overfill equipment requirements do not have to be met.</p> <p>Verify that owners and operators permanently close any substandard storage tank systems at the end of this 12-month period, unless the Department provides a n extension of the 12-month temporary closure period.</p> <p>Verify that when a field-erected AST system has been temporarily closed for 3 to 12 months, and meets the performance standards for new AST systems, prior to placing any regulated substance in the AST system, owners and operators:</p> <ul style="list-style-type: none"> - perform an internal inspection on the AST in accordance with the current edition of an industry code or standard approved in advance in writing by the Department - perform a tightness test on all piping in accordance with the current edition of an industry code or standard approved in advance in writing by the Department - perform a functionality test on any automatic line leak detectors in accordance with the manufacturer's recommendations. <p>Verify that, after temporary or permanent closure and before returning any part of a storage tank system to service, owners and operators demonstrate the integrity of</p>

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<p>ST.4.20.NM. Petroleum storage tank owners and operators must meet specific requirements for the permanent closure or change in service of storage tank systems (20.5.8.10 and 20.5.8.11 NMAC) [Added September 2003; Revised August 2004; Revised March 2009].</p>	<p>the entire tank system in a manner approved in advance by the Department.</p> <p>(NOTE: Moved from ST.5.22.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, to permanently close a tank, owners and operators empty and clean it by removing all liquids, accumulated sludges, and vapors, and properly dispose of any liquids and sludge removed from a storage tank.</p> <p>Verify that owners and operators either remove from the ground all USTs closed permanently or fill them with an inert solid material.</p> <p>Verify that owners and operators perform the following closure operations:</p> <ul style="list-style-type: none"> - ASTs being closed in place are rendered vapor free, provisions are made for adequate ventilation to ensure that the AST remains vapor free - vent lines remain open and are maintained in accordance with the current edition of a standard or code of practice developed by a nationally recognized association or independent testing laboratory, or manufacturer's recommendations - all access openings are secured, normally with spacers, to assist ventilation - ASTs are secured against tampering and flooding - the name of the product last stored, the date of permanent closure and "PERMANENTLY CLOSED" is stenciled in a readily visible location on each AST - piping is removed or closed in place: <ul style="list-style-type: none"> - if closed in place, piping is disconnected from ASTs, rendered vapor free, and filled with inert material, capped or blind flanged, a closure plan for the piping is submitted in writing to the Department at least 30 days prior to closure - ASTs and secondary containment to the extent needed to conduct the site assessment are removed or dismantled. <p>(NOTE: Mobile ASTs, owners and operators need not perform the vapor free requirements, the requirements for stenciling, or the requirements to remove or close the piping in place.)</p> <p>Verify that piping is removed or capped and a site assessment is performed after permanent closure of any permanently installed mobile tank.</p> <p>Verify that an assessment is performed after notifying the Department but before completion of permanent closure.</p> <p>Verify that any monitoring wells installed as release detection are properly closed in a manner approved by the Department as part of permanent closure activities.</p>

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<p>ST.4.21.NM. Site assessments for petroleum storage tanks must meet specific standards (20.5.8.12 NMAC) [Added September 2003; Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>(NOTE: Continued use of a storage tank system to store a non-regulated substance is considered a change-in-service. Also, a change in location is considered a change in service.)</p> <p>Verify that the Department is notified of a change in location of ASTs that are operational and registered.</p> <p>Verify that prior to a change-in-service, owners and operators</p> <ul style="list-style-type: none"> - empty and clean the tank by removing all liquid and accumulated sludge - properly dispose of any liquids and sludge removed from a storage tank - conduct a site assessment. <p>(NOTE: Moved from ST.5.23.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, before permanent closure or a change-in-service is completed, owners and operators measure for the presence of a release where contamination is most likely to be present at the storage tank site.</p> <p>Verify that, in selecting sample types, sample locations, and measurement methods, owners and operators consider the method of closure, the nature of the stored regulated substance, the type of backfill for any USTs, the depth to groundwater, and other factors appropriate for identifying the presence of a release.</p> <p>(NOTE: Examples of sample locations may include but are not limited to piping junctions, under dispensers and under storage tanks.)</p> <p>(NOTE: The requirements of this section are satisfied if the external release detection methods are operating at the time of closure, and indicate no release has occurred.)</p> <p>Verify that, if contaminated soils, contaminated groundwater, non-aqueous phase liquid or vapor is discovered, the Department is notified and corrective action is begun.</p>
<p>ST.4.22.NM. Petroleum storage tank system closure records must be maintained (20.5.8.14 NMAC) [Added September 2003; Revised August 2004 ; Citation Revised March 2009; Revised</p>	<p>(NOTE: Moved from ST.5.24.NM., August 2004.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators maintain records that are capable of demonstrating compliance with closure requirements.</p> <p>Verify that the results of the excavation zone assessment are maintained for at least 3 years after completion of permanent closure or change-in-service in one of</p>

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<p>March 2010].</p> <p>ST.4.23.NM. Petroleum storage tank systems must meet piping release detection requirements (20.5.6.11 NMAC) [Added March 2009; Revised March 2010].</p>	<p>the following ways:</p> <ul style="list-style-type: none"> - by the owners and operators who took the storage tank system out of service - by the current owners and operators of the storage tank system site, or - by mailing these records to the Department if they cannot be maintained at the closed facility. <p>(NOTE: See Appendix 10-4 for applicability and exemptions. The effective date for 20.5.6. is April 4, 2008, unless a later date is indicated.)</p> <p>Verify that release detection is provided for piping that routinely contains regulated substances by following the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that piping that conveys regulated substances under pressure meet the following requirements:</p> <ul style="list-style-type: none"> - is equipped with an automatic line leak detector - annual line tightness testing or monthly monitoring is conducted. <p>Verify that piping that conveys regulated substances under suction has either a line tightness test conducted at least every three years or uses a monthly monitoring method.</p> <p>(NOTE: No release detection is required for suction piping that is designed and constructed to meet all of the following standards:</p> <ul style="list-style-type: none"> - the below-grade piping operates at less than atmospheric pressure - the below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released - only one check valve is included in each suction line - the check valve is located directly below and as close as practical to the suction pump - a method is provided that allows compliance to be readily determined.) <p>Verify that aboveground storage tank systems with underground piping that conveys regulated substances under suction has either a line tightness test conducted every 12 months or uses monthly monitoring.</p> <p>Verify that storage tank systems provide the Department with a report on all line or piping tightness testing conducted on their petroleum storage tank systems and the report includes the following:</p> <ul style="list-style-type: none"> - name of the technician who performed the test - training and equivalent experience of the technician in the type of testing performed, including certification numbers and national association where certification was obtained or a detailed description of where and when the

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<p>ST.4.24.NM. New and upgraded piping for petroleum storage tanks must meet specific requirements (20.5.4.20 and 20.5.4.21 (A) NMAC) [Added March 2009; Revised March 2010].</p>	<p>technician gained experience</p> <ul style="list-style-type: none"> - brand name and model number of the testing equipment used during the test, date the testing equipment was last calibrated and by whom - date of the test - duration of the test - results of the test. <p>Verify that owners and operators provide release detection for piping by monitoring at least monthly for releases using one of the methods in Appendix 10-3, unless automatic line leaks detectors or line tightness testing is used.</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that owners and operators properly design and construct new piping and initially test piping.</p> <p>Verify that any steel portion of piping that routinely contains regulated substances and is in contact with the ground or water is protected from corrosion, in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that piping is compatible with any regulated substance conveyed.</p> <p>Verify that all piping is protected from impact, settlement, vibration, expansion, corrosion, and damage by fire.</p> <p>Verify that a containment sump is installed at any point where piping transitions from above the surface of the ground to below the ground surface.</p> <p>Verify that, if owners and operators install more than one type of piping at a storage tank system, then owners and operators comply with the requirements applicable to each type of piping for that run of piping.</p> <p>Verify that, if owners and operators construct or operate piping of fiberglass-reinforced plastic or flexible piping, the piping meets the following requirements:</p> <ul style="list-style-type: none"> - is completely underground - is within secondary containment that includes a release detection system - has a suitable cover approved by the piping manufacturer - has equivalent protection approved by the piping manufacturer and approved by the Department prior to installation.

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ST.4.25.NM. Storage tanks at marinas must meet specific requirements (20.5.4.26 NMAC) [Added March 2009; Revised March 2010].	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that storage tank systems at marinas are installed with an automatic break-away device to shut off flow of fuel from the on-shore piping located at the connection of the on-shore piping and the piping leading to the dock.</p> <p>Verify that another automatic break-away device is installed to shut off flow of fuel located at any connection between flexible piping and hard piping on the dispenser and dock.</p> <p>Verify that the automatic break-away devices are easily accessible, and their location clearly marked.</p> <p>Verify that storage tank systems at marinas have the dock piping electrically isolated where excessive stray electrical currents are encountered.</p> <p>Verify that piping is protected from stress due to tidal action.</p> <p>(NOTE: See ST.5.30.NM. for delivery requirements for marina ASTs.)</p>
ST.4.26.NM. Petroleum storage tank loading racks must meet specific requirements (20.5.4.34 NMAC) [Added March 2009; Revised March 2010].	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that loading racks are designed, constructed, and installed following the current edition of a national industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that a containment system is designed to contain all releases of regulated substances that occur during loading and unloading operations at the loading rack.</p> <p>Verify that, for all loading racks, one of the following are installed:</p> <ul style="list-style-type: none"> - a drainage system, or secondary containment system, with a catchment basin capable of containing the largest compartment of a tank car or tanker truck that is loaded or unloaded at the facility - a drainage system that is connected to a treatment facility designed to receive releases of regulated substances that occur during loading and unloading operations. <p>Verify that loading racks are installed at least 25 feet from ASTs, buildings, and property lines.</p>

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<p>ST.4.27.NM. Petroleum storage tank owners and operators must meet notification requirements for critical junctures in the installation process (20.5.4.36 NMAC) [Added March 2009; Revised March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that owners, operators, and certified tank installers give the Department notice of the dates on which critical junctures in the installation of a storage tank system are to take place.</p> <p>(NOTE: For installations, the term "critical junctures" means:</p> <ul style="list-style-type: none"> - preparation of the excavation immediately prior to receiving backfill and a UST or piping for an AST or UST - installation of any tank pad, vault, or secondary containment for a storage tank system - setting of a storage tank and piping, including placement of any anchoring devices, backfill to the level of the tank, and strapping, if any - any time during the installation in which components of piping are connected - all pressure testing or integrity testing of a storage tank system, including associated piping, performed during the installation - completion of backfill and filling of the excavation.) <p>Verify that owners, operators, and certified tank installers give the Department at least 30 days written notice before the installation of a storage tank system.</p> <p>Verify that, in addition to the written notice, owners, operators, and certified tank installers give oral notice at least 24 hours in advance of the commencement of the procedure.</p> <p>(NOTE: If owners, operators, and certified tank installers are separate persons, only one person is required to comply with the notice requirements; however, all parties are liable in the event of noncompliance.)</p>
<p>ST.4.28.NM. Petroleum storage tank owners and operators must meet notification requirements prior to replacement, repair, and modification of storage tanks (20.5.5.21 NMAC) [Added March 2009; Revised March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners, operators, and certified tank installers give the Department notice of the dates on which critical junctures in the replacement, repair, and modification of the storage tank system are to take place.</p> <p>(NOTE: Notice need not be provided for normal maintenance.)</p> <p>(NOTE: For replacements, modifications (including internal lining or changes to cathodic protection systems), and repairs, the term "critical junctures" means:</p> <ul style="list-style-type: none"> - completion of the excavation of existing tanks or piping - actual performance of the repair, lining or modification - any time during the project in which components of piping are connected - any time during the project in which a tank or its associated piping is tested.

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<p>ST.4.29.NM. Petroleum storage tank owners and operators must meet requirements for operations and maintenance plans (20.5.5.9 NMAC) [Added March 2010].</p>	<p>Verify that owners, operators, and certified tank installers give at least 30 days written notice before the replacement, modification, or repair of a storage tank system.</p> <p>Verify that, if it is not feasible to provide advance notice of emergency repairs, owners, operators, and certified tank installers provide notice of emergency repairs as soon as possible after completing emergency repairs.</p> <p>Verify that, in addition to the written notices, owners, operators, and certified tank installers give oral notice at least 24 hours in advance of the commencement of the procedure.</p> <p>(NOTE: If owners, operators, and certified tank installers are separate persons, only one person is required to comply with the notice requirements of this section; however, all parties are liable in the event of noncompliance.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that a written operations and maintenance plan is approved by the Department and is kept at the facility for the life of the storage tank system.</p> <p>Verify that the operations and maintenance plan is as specific as possible and includes the piping and ancillary equipment that routinely contains regulated substances or controls the flow of regulated substances.</p> <p>Verify that, at a minimum, the operations and maintenance plan includes the following:</p> <ul style="list-style-type: none"> - a detailed plan showing what inspections, operations, testing and maintenance are done on a daily, monthly, quarterly and annual basis - a description of proper disposal of regulated substances spilled at the facility, and any water or soil removed from any part of the storage tank system where there is any indication it might be or have been contaminated with a regulated substance - responses to emergency situations, including the following: <ul style="list-style-type: none"> - the location of equipment to be shut down during an emergency and how to safely perform these tasks - actions to be taken in the event of a fire, flooding, a spill, or a release of regulated substances - a site diagram - a list of whom to notify or call during or after an emergency situation. <p>Verify that the emergency information is readily accessible at the facility.</p> <p>Verify that owners and operators who reference a current edition of an industry</p>

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<p>ST.4.30.NM. The Department must be notified within a specific period of time of any known or suspected releases from a petroleum storage tank system (20.5.7.8 (A) and (B) NMAC) [Revised August 1998; Revised July 2000; Revised September 2003; Revised March 2010; Added March 2010].</p>	<p>standard or code of practice maintain a copy of the referenced code or standard.</p> <p>(NOTE: The following may be used to comply with the requirements of this section:</p> <ul style="list-style-type: none"> - American petroleum institute 570, "pipe inspection code: inspection repair, alteration, and rerating of in-service piping systems;" - American petroleum institute standard 653, "tank inspection, repair, alteration, and reconstruction;" or - steel tank institute standard SP001, "standard for inspection of in-service shop fabricated aboveground tanks for storage of combustible and flammable".) <p>(NOTE: Moved from ST.80.2.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that the owner or operator gives notice to the Department by telephone within 24 hours of any known or suspected release or any spill from a storage tank system, or any other emergency situation.</p> <p>Verify that the notice includes the following:</p> <ul style="list-style-type: none"> - the name, address, and telephone number of the agent in charge of the site where the storage tank system is located, as well as of the owner or operator of the system - the name and address of the site at which the storage tank system is located and the location of the storage tank system on that site - the date, time, location and duration of the spill, release or suspected release - the source and cause of the spill, release or suspected release - a description of the spill, release or suspected release, including its chemical composition - the estimated volume of the spill, release or suspected release - any actions taken to mitigate immediate danger from the spill, release or suspected release. <p>Verify that, within 14 days of the incident, the owner or operator submits a written report to the Department that:</p> <ul style="list-style-type: none"> - describes the spill, release, or suspected release and any investigation or follow-up action taken or to be taken - verifies the information provided to the Department by prior oral notification - provides any appropriate additions or corrections to the information contained in the prior oral notification. <p>(NOTE: If the owner and operator of a storage tank are separate persons, only one person is required to notify the Department of any releases,</p>

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<p>ST.4.31.NM. Owners and operators of petroleum storage tank systems must comply with notification requirements for releases (20.5.7.9(A) NMAC) [Citation Revised July 2000; Revised September 2003; Revised August 2004; Revised March 2010; Added March 2010].</p>	<p>(NOTE: Moved from ST.80.4.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that the owner or operator of a storage tank system reports to the Department within 24 hours:</p> <ul style="list-style-type: none"> - the evidence of released regulated substances in the vicinity of the storage tank site including the presence of non-aqueous phase liquid or vapors in soils, basements, sewer and utility lines, ground water and drinking water systems, and nearby surface water - unusual operating conditions such as, but not limited to the following (unless system equipment is found to be defective but not leaking and is immediately repaired or replaced): <ul style="list-style-type: none"> - the erratic behavior of product dispensing equipment - the sudden loss of product from the storage tank system - an unexplained presence of water in the tank - the presence of a regulated substance in the annular or interstitial space of double-walled tanks or piping - anything other than a "pass" result from any release detection method - monitoring results from a release detection method indicate a release may have occurred. <p>(NOTE: The Department will determine whether a release is a confirmed release based on the 24-hour and 14-day reports, system checks, a release investigation, and any other information available to the Department. The Department will provide a written determination that a release is a confirmed release to any affected owners and operators, and state the basis for the determination.</p> <p>Owners and operators of storage tank systems will address confirmed releases in accordance with 20.5.12 and 13 NMAC, and close the system until the system is repaired or replaced so that the release will not recur.)</p>
<p>ST.4.32.NM. Owners and operators of petroleum storage tank systems must comply with investigation and release confirmation requirements (20.5.7.9(B) and (C) NMAC) [Revised July 2000; Revised September 2003; Revised March 2009; Revised March 2010; Added March 2010].</p>	<p>(NOTE: Moved from ST.80.5.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators immediately investigate all suspected releases of regulated substances requiring reporting within 14 days.</p> <p>Verify that owners and operators conduct a system test, monitoring result check, site check or another procedure approved by the Department.</p> <p>Verify that owners and operators conduct appropriate system tests approved by</p>

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<p>ST.4.33.NM. Specific steps must be taken immediately in response to a spill or overfill of petroleum or a hazardous substance (20.5.7.11 N MAC) [Revised August 1998; Revised July 2000; Revised September 2003 ; Added March 2010].</p>	<p>the Department to determine whether a leak exists in the storage tank system.</p> <p>Verify that, when there is evidence of a release of a regulated substance in the vicinity of a storage tank system, owners and operators conduct a site check even if the test results for the storage tank system do not show a leak exists.</p> <p>Verify that during a site check the following criteria are met:</p> <ul style="list-style-type: none"> - investigation of a release in the locations where contamination is most likely to be present at the storage tank site - in selecting sample types, sample locations, and measurement methods, owners and operators consider the nature of the stored regulated substance, the type of initial alarm or cause for suspicion, the type of backfill, depth to groundwater, and other factors appropriate for identifying a possible release - sample types, locations, and methods of measurement are approved by the Department. <p>Verify that owners and operators report all results of the system test, monitoring result check, site check or other procedure approved by the Department.</p> <p>(NOTE: Moved from ST.80.7.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators of storage tank systems contain and immediately clean up a spill or overfill, and report to the Department within 24 hours, and begin corrective action in the following cases:</p> <ul style="list-style-type: none"> - a spill or overfill of petroleum that results in a release to the environment that exceeds 25 gallons, that causes a sheen on nearby surface water, or that creates a vapor hazard - spill or overfill of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) 40 CFR 302. <p>Verify that owners and operators of storage tank systems contain and immediately clean up a spill or overfill of petroleum that is less than 25 gallons, and a spill or overfill of a hazardous substance that is less than the reportable quantity.</p> <p>Verify that owners and operators notify the Department if cleanup can not be accomplished within 24 hours, or another reasonable time period that has been established by the Department.</p> <p>(NOTE: Pursuant to 40 CFR sections 302.7 and 355.40, a release of a hazardous substance equal to or in excess of its reportable quantity will also be reported immediately to the National Response Center under sections 102 and 103 of</p>

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<p>ST.4.34.NM. Each storage tank system or group of storage tank systems must have at least one named individual for each required class of operator (20.5.18.8 and 20. 5.18.12(A) NMAC) [Added March 2010].</p>	<p>CERCLA and to appropriate state and local authorities under Title II of the Superfund Amendments and Reauthorization Act of 1986.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators identify and designate for each storage tank system or group of storage tank systems at a facility, at least one named individual for each class of operator.</p> <p>(NOTE: Different individuals may be designated for each class of operator, or one individual for more than one of the operator classes.)</p> <p>Verify that any individual designated for more than one operator class is trained and certified for each class of operator.</p> <p>(NOTE: See Appendix A for Class A B and C responsibilities.)</p> <p>Verify that there is a list of designated and certified class A and B operators, by the following deadlines:</p> <ul style="list-style-type: none"> - July 1, 2010: all owners of more than 12 facilities - July 1, 2011: all owners of three to 12 facilities - July 1, 2012: all owners of one or two facilities.
<p>ST.4.35.NM. Storage tank operators must be trained (20.5.18.12(C) through (E), 5.18.14, and 20. 5.18.17 NMAC) [Added March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that documentation is maintained identifying designated and certified class C operators, with proof of training, at each facility.</p> <p>Verify that Class A and B operators are trained and possess a current certificate, by the following deadlines:</p> <ul style="list-style-type: none"> - July 1, 2010 for all owners of more than 12 facilities - July 1, 2011 for all owners of three to 12 facilities - July 1, 2012 for all owners of one or two facilities. <p>Verify that, after the above deadlines, new operators are trained and certified within the following timeframes:</p> <ul style="list-style-type: none"> - Class A and class B operators are trained and certified within 60 days of assuming full operation and maintenance responsibilities at a storage tank system (owners and operators in rural and remote areas of the state may apply in writing for a 60-day deferral) - Class C operators are trained before assuming responsibility for responding to emergencies and before dispensing a regulated substance.

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<p>ST.4.36.NM. Petroleum storage tank facilities must have a n ope rator on site or meet a lternative r equirements (20.5.18.13(C) through (E) NMAC) [Added March 2010].</p>	<p>Verify that Class A and B operators are re-trained and re-certified every 5 years, in the same manner as the original training and certification</p> <p>Verify that, if the Department finds that a storage tank system i s out of compliance, the class A and class B operator is-trained and re-certified within 60 days.</p> <p>(NOTE: The class A and B operator may select training specific only to the area of n on-compliance (if av ailable) o r at tend a t raining p rogram that i ncludes al l training elements.)</p> <p>(NOTE: An owner may elect to re-train and re-certify class A and B operators annually for a storage tank system. Class A and B operators that are re-trained and re-certified an nually need n ot re-train a nd r e-certify i f the department finds the storage tank system is out of compliance.)</p> <p>Verify t hat C lass C o perators ar e t rained an d cer tified each t ime t hey ar e designated for a particular storage tank system.</p> <p>Verify that o wners a nd o perators maintain written verification o f t raining for Class A, B , a nd C o perators at e very s torage t ank system for al l d esignated certified operators.</p> <p>(NOTE: Re-training and re-certification is not required for class C operators.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, after the following applicable deadlines, owners/operators have either a class A, class B, or class C operator on-site whenever it is open for business and dispensing fuel:</p> <ul style="list-style-type: none"> - July 1, 2010 for all owners of more than 12 facilities - July 1, 2011 for all owners of three to 12 facilities - July 1, 2012 for all owners of one or two facilities. <p>Verify th at u n-manned facilities c onspicuously post s ignage on procedures a nd contacts and meet one of the following requirements:</p> <ul style="list-style-type: none"> - is visited by a class A or B operator every week or - have a remote monitoring system that: <ul style="list-style-type: none"> - meets applicable release detection requirements (see 20.5.6 NMAC) - will a utomatically shut o ff th e d elivery o r t ransfer o f regulated substances if a suspected release is detected - is visited monthly by a class A or B operator. <p>Verify that signage is posted in prominent areas of the storage tank facility and is</p>

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<p>ST.4.37.NM. Class A or class B operators must meet inspection requirements (20.5.18.18(B) NM MAC) [Added March 2010].</p>	<p>easily visible to any person dispensing a regulated substance.</p> <p>Verify that the emergency response procedure signage includes the following:</p> <ul style="list-style-type: none"> - procedures for overfill protection during delivery of regulated substances - operation of the emergency shut off system and alarm response - release reporting - any site specific emergency procedures. <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that each class A or class B operator performs a monthly inspection of each storage tank system for which he is designated, and records the results of each inspection on a checklist.</p> <p>Verify that, at a minimum, monthly inspections include an inspection of the following:</p> <ul style="list-style-type: none"> - release detection methods, including monitoring systems and all associated sensors, and whether they appropriately responded to all alarms and any conditions that might have indicated a release of regulated substance had occurred - integrity of spill prevention equipment (for cracks, holes, or bulges), and for the presence of regulated substance, water, or debris in the spill prevention equipment - dispenser sumps for the presence of regulated substances, water, and debris - containment sumps, such as those which contain the submersible pump on the top of underground tanks, for the presence of regulated substances or any indication a release may have occurred - overfill prevention equipment for proper operation and if maintenance is required. <p>Verify that all inspections as outlined in the operations and maintenance plan (see ST.4.29.NM.) are properly performed and conducted by qualified personnel.</p> <p>Verify that a copy of inspection checklists and all attachments for the previous twelve months are maintained at all attended facilities or, if approved in writing by the Department, off-site at a readily available location.</p>
<p>ST.4.38.NM. Corrective actions must be taken upon a release involving a petroleum storage tank system (20.5.12.8 NMAC) [Revised August 1998; Revised July 2000; Revised September 2003;</p>	<p>(NOTE: Moved from ST.80.8.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that all petroleum releases are properly cleaned up through soil remediation, ground and surface water remediation, and any other appropriate</p>

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<p>ST.4.40.NM. Petroleum storage tank owners and operators are required to follow specific initial abatement and site investigation procedures for vapors with releases involving petroleum storage tank systems (20.5.12.11 (E) and (F) NMAC) [Revised August 1998; Revised July 2000; Revised September 2003; Revised August 2004; Revised March 2010; Added March 2010].</p>	<p>Verify that, within 7 days of the reporting of a spill or a suspected release that has contaminated a water supply, the owner or operator provides a replacement water supply that is of adequate quality and quantity for drinking, bathing, cooking and washing.</p> <p>Verify that the owner or operator maintains this replacement water supply until an alternative water supply sufficient for all domestic purposes is available.</p> <p>(NOTE: Moved from ST.80.10.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, within the area of the release, the storage tank owner or operator identifies the depth, location, composition, and construction of all underground utilities to assess the susceptibility of these utilities to permeation by contaminants or deterioration caused by contaminants.</p> <p>(NOTE: Underground utilities include water lines, sewer lines, communication cables, electric lines, and natural gas lines.)</p> <p>Verify that the owner or operator notifies the utility owner that a release has occurred.</p> <p>Verify that the owner or operator obtains permission to perform a site check of the utilities or other subsurface structures most likely to be contaminated by the release to determine whether petroleum products or vapors are present.</p> <p>Verify that a site investigation is completed that determines whether potentially explosive or harmful vapors are present in any building, utility corridor, basement, or other surface or subsurface structure on or adjacent to the release site.</p> <p>Verify that the site investigation includes testing for vapors using the following:</p> <ul style="list-style-type: none"> - a combustible gas indicator or equivalent instrument, calibrated for pentane, to test for potentially explosive levels of petroleum hydrocarbon vapors - a photoionization detector, flame ionization detector, or an equivalent device properly calibrated to detect hydrocarbon vapors at a detection limit of at least 1 ppm to test for potentially harmful petroleum hydrocarbon vapors. <p>Verify that, if potentially explosive levels of petroleum hydrocarbon vapors or potentially harmful petroleum hydrocarbon vapors in any structure in the vicinity of the release site are discovered, a vapor mitigation system capable of reducing petroleum hydrocarbon vapors to safe levels within the shortest reasonable time is installed and put into operation within 7 days.</p> <p>Verify that, when a vapor mitigation system is installed, the owner or operator monitors the levels of potentially explosive or potentially harmful vapors, or both</p>

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	<p>as indicated, in the affected structures.</p> <p>Verify that the monitoring of the affected structures occurs weekly for the first month and monthly thereafter.</p> <p>Verify that the monitoring continues until vapor venting is discontinued.</p> <p>Verify that, after the vapor mitigation system is in operation for 3 months, the monitoring results are submitted to the Department for review within 30 days.</p> <p>Verify that monitoring results are submitted to the Department at 3-month intervals until operation of the vapor mitigation system is discontinued.</p> <p>Verify that the vapor mitigation system is operated until the results of 3 consecutive monthly monitoring events indicate the following:</p> <ul style="list-style-type: none"> - levels of potentially explosive petroleum hydrocarbon vapors are less than 30 percent LEL - levels of potentially harmful petroleum hydrocarbon vapors are less than or equal to 5 whole instrument units above ambient levels in any structure in the vicinity of the release site. <p>Verify that, when the operation of a mitigation system is discontinued, the owner or operator continues to monitor the vapor levels in the structure monthly until one calendar year has passed.</p> <p>Verify that, when the operation of a venting system is discontinued and the readings rise again above the safe levels, the Department is notified and corrective action is taken as directed by the Department.</p>
<p>ST.4.41.NM. Petroleum storage tank owners and operators must remove any exposed petroleum products and mitigate any other immediate fire and safety hazards (20.5.12.11(G) NMAC) [Revised August 1998; Revised July 2000; Revised September 2003; Revised March 2010; Added March 2010].</p>	<p>(NOTE: Moved from ST.80.11.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that storage tank owner or operator removes any exposed petroleum products and mitigates any other immediate fire and safety hazards as promptly as possible, but in no case later than 72 hours after the confirmation of other identification of the release.</p>
<p>ST.4.42.NM. Petroleum storage tank owners and operators are required to</p>	<p>(NOTE: Moved from ST.80.12.NM.)</p>

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<p>provide certain reports to the Department summarizing abatement procedures for releases involving a petroleum storage tank system (20.5.12.12 NMAC) [Revised August 1998; Revised July 2000; Revised September 2003; Revised March 2010; Added March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that a n o r a l report summarizing ab atement p rocedures i s made t o the Department within 72 h of identification or confirmation of a release.</p> <p>Verify th at a w r i t t e n report is s ubmitted to th e D epartment within 1 4 d ays summarizing all work performed in response to the release.</p> <p>Verify that the written summary report includes the following:</p> <ul style="list-style-type: none"> - a map based on a United States Geologic Survey topographic map showing locations o f a ctual a nd p otential r eceptors, i ncluding, b ut n ot li mited to , private and public water supplies - most likely direction of groundwater flow - a site plan map showing locations of underground utilities - information about underground utilities - soil borings, logs, and details of construction of all wells, if available - description of any actions taken to abate known or suspected impacts - data from vapor monitoring performed in the vicinity of the site - description o f a n y a c t i o n s taken to ab ate p otentially ex plosive o r h armful vapors and any plans for further action - description of fire and safety hazards resulting from the release and actions taken to abate such hazards - description of c urrent a nd p a s t o w n e r s h i p o f t h e pr operty, s torage t a n k systems, the substance stored in the system, age of tank and history of any tank removals - present land use, within 1000 ft of the site - records of tightness tests, repairs to the storage tank system, release detection and monitoring results. <p>(NOTE: For the map showing locations of actual and potential private and public water supplies, the owner or operator must draw 2 concentric circles, at 1 000 ft and at one mile radii from the center of the release, and also show on the map all surface water courses within a one mile radius of the site.)</p>
<p>ST.4.43.NM. Owners a nd operators must give notice to the D epartment when collecting s amples for remediation activities associated with s torage t a n k s containing petroleum products (20.5.12.13 NMAC) [Revised July 2000; Revised September 2003; R evised A ugust 2004; Revised Mar ch 2 010; A dded</p>	<p>(NOTE: Moved from ST.80.13.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify t hat, i n o r d e r a l l o w t h e D e p a r t m e n t a n o p p o r t u n i t y t o b e p r e s e n t a t t h e collection o f samples o r t o s p l i t s a m p l e s, t h e o w n e r o r o p e r a t o r n o t i f i e s t h e Department at least 4 days prior to the collection of any required samples for the purpose of laboratory analyses.</p> <p>(NOTE: This requirement does not apply to the 72 hour vapor check.)</p> <p>Verify t hat t h e D e p a r t m e n t i s n o t i f i e d a t l e a s t 4 d a y s p r i o r t o t h e</p>

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<p>March 2010].</p> <p>ST.4.44.NM. Owners of operators of storage tanks containing petroleum products must remove non-aqueous phase liquids (20.5.12.14 NMAC) [Added July 2000; Revised September 2003; Revised August 2004; Revised March 2010; Added March 2010].</p> <p>ST.4.45.NM. Owners of operators of storage tanks containing petroleum product must take corrective actions for interim removal of contaminated soil (20.5.12.15 NMAC) [Revised August 1998; Revised July 2000; Revised September 2003; Revised August 2004; Revised March 2010; Added March 2010].</p>	<p>decommissioning, destruction, or abandonment of any wells.</p> <p>Verify that the owner or operator collects, stores, and transports all required samples in a manner consistent with the nature of the known or suspected contaminants and the methods outlined in the Bureau's Guidelines for Corrective Action in effect at the time the work plan for sampling was approved.</p> <p>(NOTE: Moved from ST.80.14.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that the storage tank owner or operator submits an assessment to the Department of the potential for remediation of non-aqueous phase liquid (NAPL) where there is an accumulated thickness of 1/8 in. of NAPL on surface water, in any excavation pit, or in any well.</p> <p>Verify that the storage tank owner or operator removes NAPL in accordance with a timeline approved or issued by the Department.</p> <p>Verify that the storage tank owner or operator removes NAPL in a manner that minimizes the spread of contamination into previously uncontaminated media.</p> <p>Verify that the storage tank owner or operator stores and disposes of NAPL in accordance with all flammable and combustible liquids codes approved by the state Fire Marshall or other local authority, state hazardous waste regulations, and any other applicable laws or regulations.</p> <p>Verify that the storage tank owner or operator reports recovery and disposal of NAPL to the Department.</p> <p>(NOTE: Moved from ST.80.15.NM.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that the owner or operator remediates contaminated soil in a manner approved by the Department.</p> <p>(NOTE: Instead of remediating the contaminated soil, the storage tank owner or operator may be directed or approved by the Department to remove and treat the contaminated soil.)</p> <p>Verify that the owner or operator excavates, treats, and dispose of contaminated soil using methods approved by the Department, in compliance with local laws and regulations, and under a timeline issued or approved by the Department.</p> <p>Verify that, when treating soil on site, the owner or operator spreads soil in a 6 in.</p>

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<p>ST.4.46.NM. Storage tank owners and operators must submit a minimum site assessment investigation report under certain circumstances for releases involving a petroleum storage tank system (20.5.12.16 and 20.5.12.17 N MAC) [Revised August 1998; Revised July</p>	<p>layer over an impervious liner (or other surface approved by the Department) to prevent infiltration to groundwater, and places the layer of soil on level ground and berm to prevent runoff from contaminating other soil or surface water.</p> <p>Verify that, for temporary storage, the owner or operator places the soil in a secure, bermed area on an impervious liner or surface or in a secured and properly labeled container, as approved by the Department.</p> <p>Verify that, when treating or temporarily storing soil on site, the owner or operator handles soil in a manner that does not contaminate groundwater, surface water or other uncontaminated soil and does not create or cause a public nuisance or threat to human health, safety and welfare, or the environment.</p> <p>Verify that when contaminated soil is taken off site, the owner or operator provides the Department with the following information within 14 days of removal of the soil from the site:</p> <ul style="list-style-type: none"> - written documentation of the type and concentration of contaminants, volume and weight of soil, method of treatment, date transported, and location of the site of disposal or treatment - a signed, written statement by the owner of the treatment or disposal site describing the location of the site and expressly accepting the contaminated soil - if contaminated soil is taken to a permitted solid waste facility, a manifest signed by the generator, transporter and the owner or operator of the solid waste facility. <p>Verify that, in accordance with a timeline issued or approved by the Department, the owner or operator submits a report to the Department describing the removal and treatment of contaminated soil (where applicable).</p> <p>Verify that the report to the Department includes a description of the soil removal action and its effectiveness, including volumes removed.</p> <p>Verify that this report is submitted within 30 days after the original soil removal action.</p> <p>(NOTE: Moved from ST.80.16.NM.)</p> <p>(NOTE: A preliminary investigation is not required when the owner or operator can demonstrate that groundwater has not been contaminated and one of the following 2 conditions apply:</p> <ul style="list-style-type: none"> - the release is remediated within 72 hr, or - the release is permanently contained within the UST excavation area or the AST containment system.)

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<p>2000; Revised September 2003; Revised August 2004; Revised March 2010; Added March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that the owner or operator conducts a preliminary investigation under a timeline approved or issued by the Department.</p> <p>Verify that the preliminary investigation determines the following for use in development of a site conceptual exposure scenario and the tier one evaluation:</p> <ul style="list-style-type: none"> - the source of contamination, the contaminants of concern, the media of concern, current receptors, potential future receptors, current and anticipated future use of property, complete and incomplete exposure pathways, and routes of exposure - the horizontal and vertical extent and magnitude of soil contamination in the vadose zone - whether groundwater or surface water has been contaminated above standards or whether a significant potential for groundwater or surface water contamination is present - owners and operators survey the wells to United States Geological Survey standards or equivalent, as described in the bureau's Guidelines for Corrective Action and using a licensed surveyor, unless otherwise directed or approved by the Department - whether immediate mitigation procedures are warranted - whether other hazardous conditions exist as a result of the release. <p>Verify that, if the horizontal and vertical extent of contamination extends beyond the boundaries of the property where the release originated, the owner or operator conducts a secondary investigation.</p> <p>Verify that the owner or operator performs a tier one evaluation when the horizontal and vertical extent and magnitude of contamination from the release have been characterized.</p> <p>Verify that a written report of the preliminary investigation and minimum site assessment are submitted in accordance with a timeline issued or approved by the Department.</p> <p>Verify that the owner or operator provides a copy of the report and all additions or corrections to any local government that has designated a wellhead/source water protection area that includes the area of the release.</p> <p>Verify that a notice containing the contaminants identified and the horizontal and vertical extent of those contaminants is provided to all property owners within the horizontal extent of contamination.</p> <p>(NOTE: Secondary investigations may be required depending on the results of the preliminary investigation. If so, reports of these investigations must be submitted in accordance with timelines approved by the Department.)</p> <p>(NOTE: Depending on the results of the tier one evaluation, tier 2 and tier 3</p>

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	evaluations may have to be performed. If so, reports of these investigations must be submitted in accordance with timelines approved by the Department.)

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ST.5. ABOVEGROUND STORAGE TANKS	
ST.5.1.NM. [Moved August 2004].	(NOTE: Moved to ST.4.1.NM, August 2004.)
ST.5.2.NM. [Moved August 2004].	(NOTE: Moved to ST.4.2.NM, August 2004.)
ST.5.3.NM. [Moved August 2004].	(NOTE: Moved to ST.4.3.NM, August 2004.)
ST.5.4.NM. [Moved August 2004].	(NOTE: Moved to ST.4.4.NM, August 2004.)
ST.5.5.NM. [Moved August 2004].	(NOTE: Moved to ST.4.5.NM, August 2004.)
ST.5.6.NM. New petroleum ASTs must meet performance standards (20.5.4.16 NMAC) [Added September 2003; Revised August 2004; Revised April 2005; Revised March 2009; Revised March 2010].	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that owners and operators properly design and construct new piping and initially test piping.</p> <p>Verify that any steel portion of piping that routinely contains regulated substances and is in contact with the ground or water is protected from corrosion, in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that the entire AST system is compatible with any regulated substance conveyed.</p> <p>Verify that owners and operators install and operate only ASTs made of steel.</p>

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<p>ST.5.7.NM. Piping for new petroleum ASTs must meet specific requirements (20.5.4.21 (B), 20.5.4.23 (A), 20.5.4.24 (A), and 20.5.4.25 NMAC) [Added September 2003; Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that, fiberglass-reinforced or flexible piping is installed in an AST system, the piping is double-walled.</p> <p>Verify that, if owners and operators construct or operate piping of steel, the piping is coated with a suitable material approved by the piping manufacturer and complies with either of the following:</p> <ul style="list-style-type: none"> - is totally above the ground with all surfaces visible - is entirely contained in secondary containment. <p>Verify that to install new piping or replace existing piping in an AST system, owners and operators use only piping that is:</p> <ul style="list-style-type: none"> - double-walled - designed and constructed with secondary containment or - steel piping. <p>Verify that above ground tanks located at an elevation so as to produce a gravity head on the dispenser or piping are equipped with a solenoid valve that meets the requirements of the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that the anti-siphon or solenoid valve is installed and adjusted so that fuel cannot flow by gravity from the tank to the dispenser if the piping fails when the dispenser is not in use.</p>
<p>ST.5.8.NM. New petroleum ASTs must meet specific requirements for secondary containment (20.5.4.27, 20.5.4.28, and 20.5.4.29 NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that all new AST systems are constructed with secondary containment systems.</p> <p>Verify that all secondary containment systems are based on the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>(NOTE: Owners and operators may use double-walled ASTs and piping as</p>

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	<p>secondary containment.)</p> <p>Verify that a containment area is constructed under and around single-walled ASTs and piping, except for piping that meets the requirements of ST.5.7.NM.</p> <p>Verify that internal lining of ASTs is not used as a method of secondary containment.</p> <p>Verify that owners and operators design and construct secondary containment to minimize damage to the surfaces of the tanks due to corrosion, accumulation of water, and stray electrical current.</p> <p>Verify that the stored regulated substance is chemically compatible with the secondary containment material.</p> <p>(NOTE: If owners and operators store more than one type of regulated substance within a single containment area, owners and operators will ensure that the substances are chemically compatible with each other and with the containment material.)</p> <p>Verify that the volume of containment area has a capacity of at least 110 percent of the size of the largest AST in the containment area plus the area displaced by the other AST(s).</p> <p>Verify that clay is not used for the construction of the containment area.</p> <p>(NOTE: Owners and operators may use a vault that complies with the requirements of Subsection F of this section as secondary containment (see ST.5.11.NM. below for details).)</p> <p>Verify that, if concrete is used, the following requirements are met:</p> <ul style="list-style-type: none"> - the concrete containment is constructed in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory, and is approved in advance of construction in writing by the Department - the concrete secondary containment is internally lined with a material that has a permeability rate to the regulated substance stored of 1×10^{-7} centimeters per second or less - a report is submitted to the Department certifying that the coating or internal lining for concrete secondary containment has been installed in accordance with the manufacturer's recommendations or an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory. <p>(NOTE: Existing AST systems with existing secondary containment constructed of concrete meet the requirements of this section if the secondary containment is made impervious and if the material used has a permeability rate to the regulated</p>

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ST.5.9.NM. New petroleum ASTs must meet specific requirements for venting (20.5.4.30 NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].	<p>substance stored of 1×10^{-7}) centimeters per second or less.)</p> <p>Verify that, if a geo-synthetic membrane is used, the following requirements are met:</p> <ul style="list-style-type: none"> - the geo-synthetic membranes or liners has a minimum thickness of 60 mils - installed in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department, or in accordance with the manufacturer's specifications - a report is submitted to the Department certifying that the geo-synthetic membrane has been installed in accordance with the manufacturer's recommendations or an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory. <p>Verify that earthen dike fields are lined with a geo-synthetic membrane to qualify as secondary containment.</p> <p>Verify that, if owners and operators use steel for construction of the secondary containment area, and if the steel is routinely in contact with soil, water or concrete, owners and operators periodically protect the containment area in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p>
	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that owners and operators design and construct venting for all new AST systems, following the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that vent pipes, provided for normal tank venting, extend at least 12 feet above ground level.</p> <p>Verify that, if attached to a structure, vent pipes extend at least 5 feet above the highest projection of the canopy or roof.</p> <p>Verify that vent pipes for normal tank venting are of appropriate size for the capacity and operating conditions of the tank.</p> <p>Verify that emergency vents are of appropriate size for the capacity of the AST and installed on the primary tank and on the interstice of all double-walled tanks.</p>

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<p>ST.5.10.NM. Installation of all petroleum ASTs and piping must meet specific requirements (20.5.4.19(A) and (C) NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that all ASTs and piping are installed in accordance with the current edition of a n i ndustry standard or c ode of pr actice developed by a n ationally recognized association or independent testing laboratory approved in advance by the Department and in accordance with the manufacturer's instructions.</p> <p>Verify that the installation includes or provides for the following:</p> <ul style="list-style-type: none"> - foundation, support and anchorage - fills, gauges and vents - environmental protection - testing and inspection. <p>Verify that, if any shop-fabricated AST that has been permanently closed at any location is placed into service, the following additional requirements are met.</p> <ul style="list-style-type: none"> - the AS T is not u sed until the following i nformation i s provided t o t he Department: <ul style="list-style-type: none"> - the age and type of tank - the tank manufacturer - a list of regulated and non-regulated substances previously stored in the tank and for what duration - a description of any unusual circumstances involving the AST -any o ther i nformation r equested b y the b ureau b ased o n t he circumstances. - the s ystem i s installed i n c ompliance w ith a ll r equirements f or ne w AST systems.
<p>ST.5.11.NM. New petroleum ASTs w ith vaults m ust m eet specific r equirements (20.5.4.31 NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that owners and operators provide project drawings for new AST systems that include vaults.</p> <p>Verify that a vault completely encloses each tank, with no openings in the vault enclosure ex cept t hose n ecessary f or acces s t o, i nspection o f, a nd f illing, emptying, and venting of the tank.</p> <p>Verify that each tank is enclosed in its own vault, although adjacent vaults may share a common wall.</p>

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	<p>(NOTE: The Department may grant a variance from the one-tank-one-vault requirement, for existing tanks only.)</p> <p>Verify that a vault is liquid tight with no backfill around the tank.</p> <p>Verify that there is adequate space between the tank and the vault for inspection of the tanks and its appurtenances.</p> <p>Verify that above-grade vaults are resistant to damage from the impact of a motor vehicle, or suitable collision barriers are installed.</p> <p>Verify that a vault includes connections to permit venting of each vault to dilute, disperse, and remove any vapors prior to personnel entering the vault.</p> <p>Verify that a vault is equipped with a detection system capable of detecting liquids, including water, and of activating an audible alarm.</p> <p>Verify that vent pipes that are provided for normal tank venting extend at least 12 feet above ground level.</p> <p>Verify that the walls and floor of a vault are constructed of reinforced concrete at least six inches thick.</p> <p>Verify that the top of an above-grade vault is constructed of noncombustible material and is designed to be weaker than the walls of the vault, to ensure that the thrust of any explosion occurring inside the vault is directed upward before significantly high pressure can develop within the vault.</p> <p>Verify that the top of an at-grade or below-grade vault is designed to safely relieve or contain the force of any explosion occurring inside the vault.</p> <p>Verify that the top and floor of the vault and the tank foundation are designed to withstand the anticipated loading, including loading from vehicular traffic, where applicable.</p> <p>Verify that the walls and floor of any vault installed below grade are designed in compliance with good engineering practice to withstand anticipated soil and hydrostatic loading.</p> <p>Verify that all tanks, piping and other associated equipment in the interior of a vault meets the requirements of the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that emergency vents are vapor tight (they may be permitted to discharge inside the vault).</p> <p>Verify that long-bolt manhole covers are not used for venting of vaults.</p> <p>Verify that all vault vents meet the requirements of the current edition of a n</p>

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<p>ST.5.12.NM. New ASTs must have containment for each dispenser (20.5.4.32 NMAC) [Added September 2003; Revised August 2004 ; Revised March 2009; Revised March 2010].</p> <p>ST.5.13.NM. Existing petroleum ASTs must meet specific upgrade requirements by July 1, 2011 (20.5.4.35 and 20.5.4.17 NMAC) [Added September 2003; Citation Revised August 2004 ; Revised March 2009; Revised March 2010].</p>	<p>industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department.</p> <p>Verify that a vault includes a method of personnel entry, with a warning sign indicating procedures for safe entry posted at each entry point, and secured against unauthorized entry and vandalism.</p> <p>Verify that each vault has a suitable means for admission of a fire suppression agent.</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that containment sump is installed underneath each dispenser as associated with an AST, unless the dispenser is located within secondary containment.</p> <p>Verify that the sump is hydrostatically tested upon installation, in accordance with manufacturer's recommendations.</p> <p>(NOTE: The following may be used to comply with this containment sump requirement: dispenser liners, under-dispenser containment, dispenser pans, and dispenser sump liners.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, no later than July 1, 2011, existing AST systems are upgraded to meet all performance standards for new AST systems with the exception that existing AST systems need not submit project drawings.</p> <p>Verify that existing AST systems are closed if by July 1, 2011:</p> <ul style="list-style-type: none"> - the system does not meet performance standards - USTs are being used as an AST are closed. <p>Verify that existing underground storage tanks installed as aboveground storage tanks are closed before August 15, 2003, unless each underground tank meets one of the following requirements:</p> <ul style="list-style-type: none"> - the tank is certified for above-ground use by the original equipment manufacturer, in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department

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	<ul style="list-style-type: none"> - a professional engineer certifies that the tank meets the standards for above-ground use in the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the Department, or - the tank is certified for above-ground use by either an authorized inspector with certification from the American Petroleum Institute, or a Steel Tank Institute trained and certified tank inspector, approved in advance in writing by the Department (the inspector will personally inspect the tank in order to complete the certification process). <p>Verify that, after April 4, 2008, USTs are not installed for use as ASTs.</p>
ST.5.14.NM. [Moved August 2004].	(NOTE: Moved to ST.4.10.NM., August 2004.)
ST.5.15.NM. [Moved August 2004].	(NOTE: Moved to ST.4.10.NM., August 2004.)
ST.5.16.NM. [Moved August 2004].	(NOTE: Moved to ST.4.12.NM., August 2004.)
ST.5.17.NM. [Moved August 2004].	(NOTE: Moved to ST.4.13.NM., August 2004.)
ST.5.18.NM. [Moved August 2004].	(NOTE: Moved to ST.4.14.NM., August 2004.)
ST.5.19.NM. [Moved August 2004].	(NOTE: Moved to ST.4.15.NM., August 2004.)
ST.5.20.NM. Petroleum AST systems must meet release detection requirements (20.5.6.8 (A) and (G), 20.5.6.10 (A) (B), and (D))	(NOTE: New Mexico has made aboveground storage tanks subject to the requirements for release detection for underground storage tanks: 20.5.6.10 is effective April 4, 2008. See sections ST.60, ST.65, and ST.75 in the UST TEAM Guide and in this state supplement for details.)

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<p>NMAC) [Added September 2003; Citation Revised August 2004; Revised March 2009; Revised March 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that new and existing AST systems are provided with a method or combination of methods of release detection that follows the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department, and by monitoring monthly for releases using one of the applicable methods listed in Appendix 10-2.</p> <p>Verify that the method, or combination of methods, of release detection meets the following requirements:</p> <ul style="list-style-type: none"> - can detect a release from any portion of the tank, connected piping and ancillary equipment that routinely contains a regulated substance - is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for proper operating condition <p>Verify that ASTs are closed if the owner and operator cannot apply a method of release detection.</p> <p>Verify that a tightness test or internal inspection of ASTs 10 years after installation is conducted unless the AST is in secondary containment.</p> <p>(NOTE: See Appendix 10-2 for requirements for methods of release detection as they apply to ASTs in New Mexico, and Appendix 10-3 for requirements for methods of release detection as they apply to piping.)</p> <p>Verify that owners and operators of AST systems provide the Department with a report on all tank tightness testing, line tightness and leak detector functionality testing conducted on their petroleum storage tank systems that includes the following:</p> <ul style="list-style-type: none"> - name of the technician who performed the test - training and equivalent experience of the technician in the type of testing performed, including certification numbers and national association where certification was obtained or a detailed description of where and when the technician gained experience - brand name and model number of the testing equipment used during the test, the date the testing equipment was last calibrated and by whom - date of the test - duration of the test - results of the test.
<p>ST.5.21.NM. [Moved August 2004].</p>	<p>(NOTE: Moved to ST.4.19.NM., August 2004.)</p>

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ST.5.22.NM. [Moved August 2004].	(NOTE: Moved to ST.4.20.NM., August 2004.)
ST.5.23.NM. [Moved August 2004].	(NOTE: Moved to ST.4.21.NM., August 2004.)
ST.5.24.NM. [Moved August 2004].	(NOTE: Moved to ST.4.22.NM., August 2004.)
ST.5.25.NM. [Deleted March 2010].	(NOTE: 20.5.7.704 was repealed.)
ST.5.26.NM. [Deleted March 2009].	(NOTE: 20.5.5.400 NMAC was repealed.)
ST.5.27.NM. [Deleted March 2009].	(NOTE: 20.5.5.401 NMAC was repealed.)
ST.5.28.NM. Petroleum AST systems must be installed, replaced, repaired, or modified by certified individuals (20.5.14.9 (A), through (D) NMAC) [Revised September 2003; Revised August 2004; Revised March 2009; Revised March 2010].	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that all AST systems are installed, replaced, repaired, or modified by individuals certified by the Department to perform that work on AST systems.</p> <p>(NOTE: Exception to the certification requirement include:</p> <ul style="list-style-type: none"> - internal lining of a tank through the application of such materials as epoxy resins - coating or lining of secondary containment for AST systems - installation, replacement, repair, or modification of cathodic protection systems - any other installation replacement, repair, or modification specifically approved in advance in writing by the Department - an applicant for AST installer certification - normal maintenance - work on line or tank leak detection systems performed by technicians trained to work on line or tank leak detection systems by the manufacturer of the systems, or other equivalent training approved by the Department.

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	<p>Verify that the installation and repair of an AST system performed by a contracting company is controlled and supervised by a certified individual.</p> <p>Verify that a certified individual is physically present onsite during the critical junctures in the installation or repair activities performed by a contracting company.</p> <p>(NOTE: The requirements of this part are not intended to prohibit the employment of apprentices or helpers so long as a certified installer exercises responsible supervisory control and is physically present on-site at the critical junctures in the installation, replacement, repair, or modification.)</p> <p>(NOTE: The above requirements are in addition to and not in lieu of any other licensing and registration requirements imposed by law.)</p>
ST.5.29.NM. [Deleted March 2010].	(NOTE: See ST.5.20.NM.)
ST.5.30.NM. Petroleum AST systems installed at a marina must meet delivery requirements (20.5.4.33 (D) NMAC) [Added March 2009; Revised March 2010].	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that any AST installed for a marina has a system that will allow the level of regulated substance in the AST to be monitored during a delivery of fuel to the AST in addition to spill catchment basins.</p> <p>Verify that the delivery is visually monitored by the owner/operator unless the AST system is equipped with an audible overfill alarm that will alert the transfer operator at 90 percent of capacity and overfill protection which will shut off flow of product during a fuel delivery to the tank at 95 percent.</p> <p>(NOTE: See ST.4.25.NM. for other specific requirements for marina storage tanks.)</p>
ST.5.31.NM. Petroleum AST systems and its secondary containment must meet specific maintenance requirements (20.5.5.8 (A), (B), and (F) NMAC) [Added March 2009; Revised March 2010].	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators visually inspect monthly a n AST and all its components that are readily accessible to visual inspection.</p> <p>Verify that owners and operators maintain the exterior coating of a n AST and ancillary equipment not in contact with soil in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized</p>

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<p>2010].</p> <p>ST.5.32.NM. Petroleum AST systems that are either double-walled or that have an interstitial space that is monitored as a method of release detection must meet specific requirements (20.5.5.10 (H) NMAC) [Added March 2009; Revised March 2010].</p>	<p>association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that ASTs are checked monthly for the presence of water at the lowest possible point inside the tank, and remove any water found to the extent technically possible.</p> <p>Verify that any and all water removed from an AST is properly disposed.</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, where design and release detection method allow the interstice of a double-walled above ground storage tank to be visually inspected without disturbance of the release detection system, monthly visual inspections are conducted for the presence of water, regulated substances, or debris.</p> <p>Verify that owners and operators notify the Department if a visual inspection, other inspection, or testing indicates that a release may have occurred.</p> <p>Verify that, if testing indicates that the stored regulated substance is leaking into the interstice of the AST, then owners and operators have the tank repaired in accordance with the tank manufacturer's instructions or specifications, or with the current edition of a national industry standard or code of practice developed by a nationally recognized association or independent testing laboratory.</p> <p>Verify that all vertical ASTs with an interstitial space between the tank bottom and secondary containment are monitored for the presence of water or regulated substances.</p> <p>Verify that, if gravity drain valves are used for monitoring and removal of water or regulated substances, owners and operators keep them closed except during the process of monitoring and draining.</p> <p>Verify that all sumps associated with interstitial monitoring are kept free of water.</p> <p>Verify that all sensors used to monitor interstitial spaces are inspected annually in accordance with manufacturer's recommendations, or in accordance with the current edition of a national industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that all liquid found in interstitial spaces is removed and disposed of properly.</p>

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
ST.30. UST STATE-SPECIFIC ST.30.1.NM. [Moved August 2004]. ST.30.2.NM. [Moved August 2004]. ST.30.3.NM. [Moved August 2004]. ST.30.4.NM. [Deleted August 1998]. ST.30.5.NM. UST systems must be installed, replaced, repaired, or modified by certified individuals (20.5.14.8 (A), (C), and (D) NMAC) [Revised September 2003; Revised August 2004 ; Revised March 2009; Revised March 2010].	 (NOTE: Moved to ST.4.1.NM., August 2004.) (NOTE: Moved to ST.4.2.NM., August 2004.) (NOTE: Moved to ST.4.3.NM., August 2004.) (NOTE: Equivalent to the Federal.) (NOTE: See Appendix 10-4 for applicability and exemptions.) Verify that all UST systems are installed, replaced, repaired, or modified by individuals certified by the Department in UST to perform that work on UST systems. (NOTE: Exception to the requirement of a certified installer include: - internal lining of a tank through the application of such materials as epoxy resins - installation, replacement, repair, or modification of cathodic protection systems - any other installation, replacement, repair, or modification specifically approved in advance in writing by the Department - an applicant for UST installer certification - normal maintenance - work on line or tank leak detection systems performed by technicians approved in advance in writing by the Department. (NOTE: The requirements of this part are not intended to prohibit the employment of apprentices or helpers so long as a certified installer exercises responsible supervisory control and is physically present on-site at the critical junctures in the installation, replacement, repair, or modification.)

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>ST.30.6.NM. UST systems (including dispensers and piping) installed or replaced after April 4, 2008 must have secondary containment (20.5.4.15 NMAC) [Added March 2009].</p>	<p>(NOTE: The above requirements are in addition to and not in lieu of any other licensing and registration requirements imposed by law.)</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, after April 4, 2008 owners and operators install secondary containment for any new UST system (including dispensers and piping) and for any UST, dispenser or piping replaced after April 4, 2008.</p> <p>Verify that the secondary containment system is in compliance with the current edition of a national industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that the secondary containment system includes all tanks, piping, dispensers, and all containment sumps for any piping and ancillary equipment that routinely contains regulated substances, and includes interstitial monitoring.</p> <p>Verify that, if owners and operators replace a UST, they install a double-walled tank with an inner and outer barrier and a release detection system.</p> <p>Verify that, if owners and operators replace a dispenser, they install, in accordance with manufacturer's recommendations, an under-dispenser containment system that is hydrostatically tested and approved by the Department prior to use.</p> <p>(NOTE: Types of under-dispenser containment systems include, but are not limited to, dispenser liners, containment sumps, dispenser pans and dispenser sump liners.)</p> <p>Verify that, if owners and operators replace piping, they install only double-walled piping with an inner and outer barrier and a release detection system for the replaced piping.</p> <p>(NOTE: The Department shall not require owners and operators to install secondary containment if the owners and operators demonstrate to the Department's satisfaction that no part of the UST system is within 1,000 feet of a community water system, potable drinking water well, or source water.)</p> <p>(NOTE: In a manifolded UST system, secondary containment is only required for a new or replaced UST; existing USTs in the manifolded system are not required to have secondary containment. Additionally, the secondary containment requirements do not apply to:</p> <ul style="list-style-type: none"> - repairs meant to restore a UST, piping or dispenser to operating condition - piping runs that are not new or replaced for USTs with multiple piping runs - suction piping.)

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>ST.30.7.NM. Petroleum UST systems with secondary containment must meet operation, repair, and maintenance requirements (20.5.5.11 N MAC) [Added March 2 009; R evised Mar ch 2010].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify t hat s econdary containment f or underground s torage t ank s ystems a re operated, maintained, and repaired i n acco rdance w ith t he manufacturer's instructions or specifications, or with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify t hat o wners an d o perators d raw o ff water t hat has acc umulated i n t he secondary containment, including all sumps, within one week of a rainfall event.</p> <p>Verify t hat an y o ther debris t hat h as accu mulated i nside t he s econdary containment is removed.</p> <p>Verify t hat an y acc umulated water w ith a v isible s heen i s p roperly t reated an d disposed.</p> <p>(NOTE: The following may be used to comply with this requirement:</p> <ul style="list-style-type: none"> - U.S. e nvIRONMENTAL pr oTECTION a gency # 510-R-05-001, " ust systems: inspecting and maintaining sumps and spill buckets;" or - U.S. e nvIRONMENTAL pr oTECTION a gency #510 -B-05-002, " operating and maintaining underground s torage t ank systems: p ractical he lp a nd checklists.")

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>ST.50.</p> <p>UST CORROSION PROTECTION</p> <p>ST.50.1.NM. New and upgraded UST tanks must meet specific performance standards (20.5.4.8 NMAC) [Added September 2003; Revised August 2004 ; Revised March 2009; Revised March 2010].</p> <p>ST.50.2.NM. [Deleted March 2009].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions. 20.5.4. (New and Upgraded Storage Tank Systems) is effective 4 April 2008, unless a later date is indicated.)</p> <p>Verify that owners and operators properly design and construct new piping and initially test piping.</p> <p>Verify that any steel portion of piping that routinely contains regulated substances that are in contact with the ground or water is protected from corrosion, in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department.</p> <p>Verify that the entire UST system is compatible with any regulated substance conveyed.</p> <p>(NOTE: 20.5.4.400 NMAC is repealed.)</p>

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
ST.80. UST RELEASES ST.80.1.NM. [Deleted June 1999]. ST.80.2.NM. [Moved March 2010]. ST.80.3.NM. [Deleted September 2003]. ST.80.4.NM. ST.80.5.NM. [Moved March 2010]. ST.80.6.NM. [Deleted March 2010]. ST.80.7.NM. [Moved March 2010]. ST.80.8.NM. [Moved March 2010]. ST.80.9.NM. [Moved March 2010].	 (NOTE: Equivalent to the Federal.) (NOTE: Moved to ST. 4.30.NM. 20. 5.7.7 NMAC applies to all storage tanks, ASTs and USTs.) (NOTE: Moved to ST.80.2.NM.) (NOTE: Moved to ST. 4.31.NM. 20. 5.7.9 NMAC applies to all storage tanks, ASTs and USTs.) (NOTE: Moved to ST. 4.32.NM. 20. 5.7.8 NMAC applies to all storage tanks, ASTs and USTs.) (NOTE: 20.5.16.1609 NMAC was repealed.). (NOTE: Moved to ST. 4.33.NM. 20. 5.7.11 NMAC applies to all storage tanks, ASTs and USTs.) (NOTE: Moved to ST. 4.38.NM. 20. 5.12.8 NMAC applies to all storage tanks, ASTs and USTs.) (NOTE: Moved to ST. 4.39.NM. 20. 5.12.11 NMAC applies to all storage tanks, ASTs and USTs.)

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
ST.80.10.NM. [Moved March 2010].	(NOTE: Moved to ST. 4.40.NM. 20.5.12.11 NMAC applies to all storage tanks, ASTs and USTs.)
ST.80.11.NM. [Moved March 2010].	(NOTE: Moved to ST. 4.41.NM. 20.5.12.11 NMAC applies to all storage tanks, ASTs and USTs.)
ST.80.12.NM. [Moved March 2010].	(NOTE: Moved to ST. 4.42.NM. 20.5.12.12 NMAC applies to all storage tanks, ASTs and USTs.)
ST.80.13.NM. [Moved March 2010].	(NOTE: Moved to ST. 4.43.NM. 20.5.12.13 NMAC applies to all storage tanks, ASTs and USTs.)
ST.80.14.NM. [Moved March 2010].	(NOTE: Moved to ST. 4.44.NM. 20.5.12.14 NMAC applies to all storage tanks, ASTs and USTs.)
ST.80.15.NM. [Moved March 2010].	(NOTE: Moved to ST. 4.45.NM. 20.5.12.15 NMAC applies to all storage tanks, ASTs and USTs.)
ST.80.16.NM. [Moved March 2010].	(NOTE: Moved to ST. 4.46.NM. 20.5.12.16 and 20.5.12.17 NMAC applies to all storage tanks, ASTs and USTs.)
ST.80.17.NM. [Deleted September 2003].	(NOTE: Regulation revised.)
ST.80.18.NM. [Deleted September 2003].	(NOTE: Regulation revised.)
ST.80.19.NM. [Deleted September 2003].	(NOTE: Regulation revised.)

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>ST.80.20.NM. UST owner and operators must take corrective actions to address any release from a hazardous substance UST system (20.5.13.8 (A) and (K) NMAC) [Revised September 2003].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that all releases from hazardous substance UST systems are cleaned up through soil, groundwater, and surface water remediation and any other appropriate procedures in the shortest practicable period and in a manner protective of health, public welfare, and the environment.</p> <p>(NOTE: If a release constitutes a hazardous substance incident under the provisions of the Hazardous Waste Act relating to hazardous substance incidents, those provisions may apply in addition to these requirements.)</p>
<p>ST.80.21.NM. UST owners and operators must take initial response actions upon confirmation or identification of a hazardous substance release (20.5.13.9 N MAC) [Revised August 1998; Revised September 2003].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that, upon reporting of a release or reporting of the confirmation of a suspected release, owners and operators of the UST system immediately prevent any further release from the UST system by whatever means necessary, including removing product from the UST system or any part of the UST system that is known to leak or is suspected of leaking.</p> <p>(NOTE: If necessary, owners and operators will remove the UST system from service.)</p> <p>Verify that owners and operators inform the Department of any release and action taken to mitigate immediate damage from the release.</p>
<p>ST.80.22.NM. UST owners and operators must take specific initial abatement procedures after the confirmation or identification of a release from a hazardous substance UST (20.5.13.10 NMAC) [Revised August 1998; Revised September 2003].</p>	<p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that owners and operators undertake the initial abatement and site investigation actions specified below within 72 hours of the reporting of a release or reporting of the confirmation of a suspected release, unless a different timeline is set forth elsewhere or unless otherwise directed or approved by the Department.</p> <p>Verify that owners and operators identify the location and details of construction of all private water supply wells, using readily accessible public records, within a 1,000 foot radius and all public water supply wells within a one mile radius of the UST system and determine if the identified wells lie within a designated wellhead protection area.</p> <p>Verify that owners and operators take appropriate measures to ensure that these water supplies do not become contaminated.</p> <p>Verify that owners and operators contain or remediate releases that present an imminent threat of contamination to or are within 500 feet of a surface water</p>

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
	<p>course as soon as practicable to prevent contamination of surface water.</p> <p>Verify that, if the surface water course is a drinking water supply, within 24 hours owners and operators notify the owners or operators of all downstream water supplies likely to be affected by the release.</p> <p>Verify that if the release has already contaminated a water supply, owners and operators immediately provide a temporary replacement drinking water supply, as well as adequate warnings or other mechanisms to prevent persons from drinking or otherwise contacting water contaminated by the release.</p> <p>Verify that within seven days of the reporting of a spill or release or the reporting of the confirmation of a suspected release that has contaminated a water supply, owners and operators provide a replacement water supply that is of adequate quality and quantity for drinking, bathing, cooking and washing, and maintain the replacement water supply until an alternate water supply sufficient for all domestic purposes is available.</p> <p>Verify that owners and operators identify the depth, location, composition, and construction of all underground utilities including water lines, sewer lines, communication cables, electric lines, and natural gas lines within the area of the release to assess the susceptibility of these utilities to permeation by contaminants or deterioration caused by contaminants.</p> <p>Verify that owners and operators notify the utility owner that the release has occurred and obtain permission to perform a site check of the utilities or other subsurface structures most likely to be contaminated by the release to determine whether NAPL or vapors are present.</p> <p>Verify that owners and operators complete an investigation to determine whether potentially explosive or harmful vapors are present in any building, utility corridor, basement, or other surface or subsurface structure on or adjacent to the release site.</p> <p>Verify that this investigation includes testing for vapors using the following:</p> <ul style="list-style-type: none"> - a combustible gas indicator or equivalent instrument calibrated according to the manufacturer's instructions to test for potentially explosive levels of vapors - a photoionization detector, flame ionization detector or another method approved by the Department calibrated according to the manufacturer's instructions to test for potentially harmful vapors. <p>Verify that, in the event owners and operators discover actual or potentially explosive levels of vapors or potentially harmful vapors reading greater than 5 whole units above ambient concentrations or greater than 20 percent of the lower explosive limit (LEL) in any structure in the vicinity of the release site, owners and operators confirm and, if necessary, take immediate action to mitigate the</p>

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>ST.80.23.NM. UST owners and operators must follow specific reporting procedures after the confirmation or other identification of a release from a hazardous substance</p>	<p>vapor hazard.</p> <p>Verify that within seven days of the discovery of the vapors, owners and operators install and place into operation a vapor mitigation system capable of reducing vapors to safe levels within the shortest reasonable time.</p> <p>Verify that once a vapor mitigation system has been installed, owners and operators monitor and report in writing to the Department the levels of potentially explosive or harmful vapors in the affected structures weekly for the first month and monthly thereafter unless a different monitoring schedule is approved in writing by the Department.</p> <p>Verify that within 30 days after the vapor mitigation system has been in operation for 3 months, owners and operators submit to the Department a written summary report containing the monitoring results.</p> <p>Verify that owners and operators submit monitoring results to the Department at three-month intervals until operation of the vapor mitigation system is discontinued in accordance with this section.</p> <p>Verify that owners and operators continue to operate the vapor mitigation system until the results of 3 consecutive monthly monitoring events indicate the following:</p> <ul style="list-style-type: none"> - levels of potentially explosive vapors are less than 20 percent LEL - levels of potentially harmful vapors are less than or equal to 5 whole instrument units above ambient levels in any structure in the vicinity of the release site. <p>Verify that when operation of a vapor mitigation system is discontinued, owners and operators monitor the vapor levels in the structure weekly for the first month and monthly thereafter until one calendar year has passed, and during this period the levels exceed those set forth in the preceding paragraph, owners and operators notify the Department and take the necessary corrective action, as directed by the Department.</p> <p>Verify that owners and operators remove any exposed hazardous substances related to the release and mitigate any related immediate fire and safety hazards as soon as possible, but in no case later than 72 hours after the confirmation or other identification of the release.</p> <p>(NOTE: See Appendix 10-4 for applicability and exemptions.)</p> <p>Verify that an oral report summarizing the abatement procedures undertaken and the results of the initial investigation is submitted to the Department within 72 hours of the date of the confirmation or other identification of a release from a hazardous</p>

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>UST system (20.5.13.11 (A) and (B) NMAC) [Revised August 1998; R evised September 2003].</p> <p>ST.80.24.NM. UST o wners and operators must conduct an on-site i nvestigation o f a hazardous substance U ST system r elease (20.5.13.1316, and 20.5.13.17 NMAC) [Revised S eptember 2003; Revised August 2004; Revised March 2010].</p>	<p>substance UST system.</p> <p>Verify that a written report is submitted to the Department within 14 days.</p> <p>Verify that an on-site investigation of the release site is conducted according to a timeline approved by the Department.</p> <p>Verify t hat t he p reliminary i nvestigation d etermines t he f ollowing f or use i n development of a site conceptual exposure scenario and the tier one evaluation:</p> <ul style="list-style-type: none"> - t he s ource o f c ontamination, t he c ontaminants o f c oncern, t he m edia o f concern, current receptors, potential future receptors, current and anticipated future use of p r operty, c omplete a nd i ncomplete e xposure p a thways, a nd routes of exposure - t he h orizontal a nd v ertical e xtent a nd m agnitude o f soil c ontamination i n t he v adose z one - w hether g roundwater o r s urface w ater h as b een c o ntaminated a b ove standards or whether a significant potential for groundwater or surface water contamination is present - o wners a nd o perators s urvey t he w ells t o U nited S tates G eological S urvey standards o r e q uivalent, a s d escribed i n t he b ureau's G uidelines f or Corrective Action and using a licensed surveyor, unless otherwise directed or approved by the Department - w hether i mmediate m itigation p rocedures a re w arranted - w hether o ther h azardous c onditions e xist a s a r esult o f t he r elease. <p>Verify t hat a w ritten r eport o f t he p reliminary i nvestigation a nd m inimum s ite assessment a re s ubmitted i n a ccordance w ith a t imeline i ssued o r a pproved b y t he D epartment.</p> <p>Verify t hat t he o wner o r o perator p rovides a c opy o f t he r eport a nd a ll a dditions o r c orrections t o a ny l ocal g overnment t hat h as d esignated a w ellhead/sourc e w ater protection a rea t hat i ncludes t he a rea o f t he r elease.</p> <p>Verify t hat a n o tice c ontaining t he c ontaminants i dentified a nd t he h orizontal a nd v ertical e xtent o f t hose c ontaminants i s p rovided t o a ll p roperty o wners w ithin t he h orizontal e xtent o f c ontamination.</p> <p>(NOTE: Secondary investigations may be required depending on the results of the preliminary investigation. If so, reports of these investigations must be submitted in accordance with timelines approved by the Department.)</p>
<p>ST.80.25.NM. [Deleted]</p>	<p>(NOTE: Regulation revised.)</p>

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement		
REGULATORY REQUIREMENTS:		REVIEWER CHECKS: March 2010
September 2003].		
ST.80.26.NM. September 2003].	[Deleted	(NOTE: Regulation revised.)
ST.80.27.NM. September 2003].	[Deleted	(NOTE: Regulation revised.)
ST.80.28.NM. September 2003].	[Deleted	(NOTE: Regulation revised.)
ST.80.29.NM. September 2003].	[Deleted	(NOTE: Regulation revised.)
ST.80.30.NM. September 2003].	[Deleted	(NOTE: Regulation revised.)

COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
ST.90. UST DOCUMENTATION ST.90.1.NM. [Moved August 2004]. ST.90.2.NM. [Deleted August 1998]. ST.90.3.NM. UST owners and operators must report tightness testing information to the Department (20.5.6.15 NMAC) [Added March 2010].	<p>(NOTE: Moved to ST.4.14.NM., August 2004.)</p> <p>(NOTE: Equivalent to the Federal.)</p> <p>Verify that the Department is provided a copy of the report for all tank tightness testing conducted on their petroleum storage systems that includes the following:</p> <ul style="list-style-type: none"> - name of the technician who performed the test - training and equivalent experience of the technician in the type of testing performed, including certification numbers and national association where certification was obtained or a detailed description of where and when the technician gained experience - brand name and model number of testing equipment used during the test, date the testing equipment was last calibrated and by whom - date of the test - duration of the test - results of the test. <p>(NOTE: All other tightness testing requirements are the equivalent to the Federal requirements.)</p>

<p align="center">COMPLIANCE CATEGORY: STORAGE TANK MANAGEMENT New Mexico Supplement</p>	
<p align="center">REGULATORY REQUIREMENTS:</p>	<p align="center">REVIEWER CHECKS: March 2010</p>
<p>ST.95.</p> <p>CHANGES IN SERVICE OR CLOSURE OF USTs</p>	
<p>ST.95.1.NM. [Deleted August 1998].</p>	<p>(NOTE: Equivalent to the Federal.)</p>
<p>ST.95.2.NM. [Moved August 2004]</p>	<p>(NOTE: Moved to ST. 4.18.NM., August 2004.)</p>
<p>ST.95.3.NM. [Deleted August 1998].</p>	<p>(NOTE: Equivalent to the Federal.)</p>

Appendix 10-1

Schedule of Phase-In of Release Detection for AST Systems

[Deleted March 2009]

(NOTE: 20.5.6.600 is repealed.)

Appendix 10-2

Methods of Release Detection for ASTs

(20.5.6.20 through 20.5.6.22 NMAC) [Added September 2003; Revised March 2009]

20.5.6.20. VISUAL INSPECTION REQUIREMENTS FOR ASTS

Owners and operators of ASTs may use visual inspection as a method of release detection if:

- A. all portions of the ASTs, including the AST bottoms, are completely visible, readily accessible, not in contact with the ground or soil and are inspected monthly;
- B. owners and operators maintain a written log of the visual inspections for each AST conducted monthly to include the following:
 - (1) the date and time the inspection was conducted;
 - (2) name and signature of the person who conducted the inspection;
 - (3) comments on the condition of each AST;
 - (4) the results of each inspection; and
 - (5) the volume of water found in the AST and if the water has been removed from the tank;
- C. owners and operators keep visual inspection logs available at the facility.

20.5.6.21. INTERSTITIAL MONITORING REQUIREMENTS FOR ASTS

Owners and operators of ASTs may use interstitial monitoring between the AST and a secondary barrier immediately around and underneath the tank, but only if the tank system meets all of the following requirements:

- A. the ASTs are manufactured or upgraded to include a double-walled bottom in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory which can be remotely monitored, or the ASTs are installed inside secondary containment with an impervious barrier beneath the ASTs meeting the requirements of 20.5.4.27 NMAC and the interstice between them can be remotely monitored;
- B. the monitoring system between the AST and the secondary barrier shall meet all of the following requirements:
 - (1) for cathodically protected ASTs, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;
 - (2) the groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days;
 - (3) the site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions;
 - (4) the locations and ports of monitoring wells are clearly marked and secured to avoid unauthorized access and tampering;
- C. owners and operators conduct an annual test of the operation of the interstitial sensor in accordance with the manufacturer's requirements or in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent

20.5.6.22. AUTOMATIC TANK GAUGING REQUIREMENTS FOR ASTS

Owners and operators of ASTs may use automatic tank gauging as a method of release detection if the automatic tank gauging system:

- A. tests for the loss of product and can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains regulated substances; and

- B. can conduct inventory control or another test of equivalent performance in accordance with the following:
- (1) inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the AST are recorded each operating day;
 - (2) the equipment used is capable of measuring the level of regulated substance over the full range of the AST's height to the nearest one-eighth of an inch;
 - (3) the regulated substance inputs are reconciled with delivery receipts by measurement of the AST inventory volume before and after delivery;
 - (4) deliveries are made through a drop tube that extends to within one foot of the AST bottom, unless the AST is bottom loaded;
 - (5) regulated substance dispensing is metered and recorded within the state standards for meter calibration or an accuracy of six cubic inches for every five gallons of regulated substance withdrawn;
 - (6) the measurement of any water level in the bottom of the AST is made to the nearest one-eighth of an inch at least once a month;
 - (7) practices described in the American petroleum institute publication RP1621, "bulk liquid stock control at retail outlets," may be used, where applicable, as guidance in meeting the requirements of this section.

Appendix 10-3

Methods of Release Detection for Piping

(20.5.6.23 NMAC) [Added September 2003; Revised March 2009]

This Appendix contains the New Mexico version of the requirements for methods of release detection for all storage tanks, both aboveground and belowground. It differs from the Federal requirements of 40 CFR 280.43 (found in Appendix 10-3 of the *Storage Tanks Management* chapter of the U.S. TEAM Guide) in that there are additional requirements specific to aboveground storage tanks, and specific exclusions from some provisions that do not apply to aboveground storage tanks.

Each method of release detection for piping used to meet the requirements of 20.5.6 NMAC shall comply with the equipment manufacturer's recommendations, shall be appropriate for the type and length of piping, and shall comply with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance by the Department. Owners and operators shall conduct release detection in accordance with the following requirements:

A. Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping may be used only if they detect leaks of three gallons per hour at 10 pounds per square inch line pressure within one hour. Owners and operators shall conduct an annual test of the operation of the leak detector in accordance with the manufacturer's requirements.

B. Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

C. Applicable tank methods. Any of the methods in Subsections E through G of 20.5.6.603 NMAC may be used if they are designed to detect a release from any portion of underground piping that routinely contains regulated substances.

D. Interstitial monitoring. Owners and operators may use interstitial monitoring if they ensure that interstitial monitoring for double-walled piping, whether under pressure or under suction, is approved in advance in writing by the Department, and that the interstitial monitoring complies with either:

- (1) the piping manufacturer's requirements; or
- (2) the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory.
- (3) for ASTs and USTs in operation on April 4, 2008, owners and operator shall have until July 1, 2011 to meet the requirements of Paragraph (3) of this subsection; owners and operators that install tank systems after April 4, 2008 shall comply with all requirements of this subsection; E. for aboveground storage tanks, visual inspection may be used for piping if all portions of the piping are completely visible, readily accessible, not in contact with the ground or soil, and are inspected monthly; owners and operators shall keep a log of visual inspection of piping that meets the requirements of Subsections B and C of 20.5.6.20 NMAC;

E. for aboveground storage tanks, visual inspection may be used for piping if all portions of the piping are completely visible, readily accessible, not in contact with the ground or soil, and are inspected monthly; owners and operators shall keep a log of visual inspection of piping that meets the requirements of Subsections B and C of 20.5.6.20 NMAC;

F. the following may be used to comply with the requirements of this section:

- (1) petroleum equipment institute publication RP100, "recommended practices for installation of underground liquid storage systems;"
- (2) petroleum equipment institute RP200, "recommended practices for installation of aboveground storage systems for motor vehicle fueling;"
- (3) American petroleum institute publication RP 1615, "installation of underground petroleum storage systems;"

- (4) American petroleum institute 570, "pipe inspection code: inspection repair, alteration, and rerating of in-service piping systems;" and
- (5) American society of mechanical engineering standard B31.3, "process piping."

Appendix 10-4

Applicability and Exemptions for Regulations Covering Petroleum Storage Tanks

(20.5.1.2 NMAC) [Added March 2010]

A. 20.5.1 through 20.5.16 NMAC apply to owners and operators of storage tanks as defined in 20.5.1.7 NMAC except as otherwise provided in Subsections B and C of this section.

B. Any UST system holding hazardous wastes that are listed or identified under Subtitle C of the federal Resource Conservation and Recovery Act, or a mixture of such hazardous waste and other hazardous regulated substances, is excluded from these regulations. This subsection does not apply to any UST system containing petroleum.

C. The following types of storage tank systems are excluded from the requirements of 20.5.2 through 20.5.16 NMAC:

- (1) any wastewater treatment tank systems and any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the federal Clean Water Act;
- (2) equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
- (3) any UST system with a capacity of 110 gallons or less or any AST system with a capacity of 1,320 gallons or less, or any AST system with a capacity of 55,000 gallons or more;
- (4) any UST system that contains a de minimis concentration of regulated substances;
- (5) any emergency spill or overflow containment UST system that is expeditiously emptied after use;
- (6) any storage tank systems containing radioactive material that are regulated under the Atomic Energy Act of 1954;
- (7) any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the nuclear regulatory commission under 10 CFR part 50 appendix A;
- (8) airport hydrant fuel distribution systems;
- (9) UST systems with field-constructed tanks; and
- (10) any UST or AST system that stores fuel solely for use by emergency power generators.

D. Notwithstanding the foregoing exclusions, no person may install a storage tank system listed in Subsection C of this section for the purpose of storing regulated substances unless such storage tank system (whether of single or double-walled construction):

- (1) will prevent releases due to corrosion or structural failure for the operational life of the tank; and
- (2) is cathodically protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material or designed in a manner to prevent the release or threatened release of any stored substance; and
- (3) the material used in the construction or lining of the tank is compatible with the substance to be stored.

E. Parts 20.5.4 through 20.5.9 NMAC shall not apply to an existing AST or UST system which has never contained a regulated substance until the system is placed in service.

Appendix 10-5

Duties and Responsibilities for Class A, B and C storage Tank Operators

(20.5.18.9, 20.5.18.10, 20.5.18.11 NMAC) [Added March 2010]

20.5.18.9 CLASS A OPERATOR:

A class A operator has primary responsibility to operate and maintain the storage tank system. The class A operator's responsibilities include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements.

- A. General requirements. The class A operator focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to operate and maintain the storage tank system (20.5 NMAC). For example, the class A operator typically ensures that appropriate individuals:
 - (1) properly operate and maintain the storage tank system;
 - (2) maintain appropriate records;
 - (3) are trained to operate and maintain the storage tank system and keep records;
 - (4) properly respond to emergencies caused by releases or spills from storage tank systems at the facility;
 - (5) make financial responsibility documents available to the department as required.
- B. Minimum training requirements. At a minimum, the class A operator shall be trained in:
 - (1) a general knowledge of storage tank system requirements so he can make informed decisions regarding compliance and ensure appropriate individuals are fulfilling operation, maintenance, and recordkeeping requirements and standards of 20.5 NMAC regarding:
 - (a) spill prevention;
 - (b) overfill protection;
 - (c) release detection;
 - (d) corrosion protection;
 - (e) emergency response; and
 - (f) product compatibility;
 - (2) financial responsibility documentation requirements;
 - (3) notification requirements;
 - (4) release and suspected release reporting requirements;
 - (5) temporary and permanent closure requirements; and
 - (6) operator training requirements.

20.5.18.10 CLASS B OPERATOR:

A class B operator implements applicable storage tank regulatory requirements and standards (20.5 NMAC) in the field. This individual implements the day-to-day aspects of operating, maintaining, and recordkeeping for storage tanks at one or more facilities.

- A. General requirements. The class B operator typically monitors, maintains and ensures:
 - (1) release detection method, recordkeeping and reporting requirements are met;
 - (2) release prevention equipment, recordkeeping and reporting requirements are met;
 - (3) all relevant equipment complies with performance standards; and
 - (4) appropriate individuals are trained to properly respond to emergencies caused by releases or spills from storage tank systems at the facility.
- B. Minimum training requirements. Compared with training for the class A operator, training for the class B operator shall provide a more in-depth understanding of operation and maintenance aspects, but may cover a more narrow breadth of applicable regulatory requirements. At a minimum, class B operator training shall include:
 - (1) components of storage tank systems;
 - (2) materials of storage tank system components;
 - (3) methods of release detection and release prevention applied to storage tank system components;
 - (4) operation and maintenance requirements of 20.5 NMAC that apply to storage tank systems and include:
 - (a) spill prevention;

- (b) overfill protection;
- (c) release detection;
- (d) corrosion protection;
- (e) emergency response; and
- (f) product compatibility;
- (5) reporting and recordkeeping requirements; and
- (6) class C operator training requirements.

20.5.18.11 CLASS C OPERATOR:

A class C operator is an employee and is, generally, the first line of response to events indicating emergency conditions. This individual is responsible for responding to alarms or other indications of emergencies caused by spills or releases from storage tank systems. This individual notifies the class B or class A operator and appropriate emergency responders when necessary. Not all employees of a facility are necessarily class C operators.

A. General requirements. The class C operator typically:

- (1) controls or monitors the dispensing or sale of regulated substances; and
- (2) is responsible for initial response to alarms or releases.

B. Minimum training requirements. At a minimum, the class C operator shall be trained to take action in response to emergencies (such as situations posing an immediate danger or threat to the public or to the environment and that require immediate action) and alarms potentially caused by spills or releases from a storage tank system.

C. Training elements for class C.

- (1) Trained class A or class B operators shall:
 - (a) provide training to class C operators on emergency response procedures and on contacts for alarms potentially caused by spills or releases;
 - (b) provide simple written instructions on these procedures and contacts; and
 - (c) post signage with these procedures and contacts in prominent areas of the storage tank facility that is easily visible to any person dispensing a regulated substance.
- (2) For purposes of this subsection, emergency response procedures shall include but are not limited to:
 - (a) procedures for overfill protection during delivery of regulated substances;
 - (b) operation of the emergency shut off system and alarm response;
 - (c) release reporting; and
 - (d) any site specific emergency procedures.

SECTION 11
TOXIC SUBSTANCES MANAGEMENT
New Mexico Supplement, March 2010

This section covers the state requirements for Toxic Substances Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component supplements for Federal, DOD, and service-specific requirements.

Definitions

- *Asbestos Waste* - regulated asbestos containing material (RACM) which contains more than 1 percent asbestos (20.9.2.7 NMAC) [Revised March 2007; Revised March 2008]:
 1. friable asbestos material" means any material containing more than 1 percent asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure
 2. category I non-friable asbestos containing material" means asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos
 3. category II non-friable asbestos containing material" means any material, excluding category I non-friable asbestos containing material, containing more than one percent asbestos, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand
 4. regulated asbestos waste" means friable asbestos material; category I non-friable asbestos containing material that has become friable; category I non-friable asbestos containing material that will be or has been subjected to sanding, grinding, cutting or abrading; or category II non-friable asbestos containing material that has a high probability of becoming or has become broken, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of excavation, renovation, demolition, storage, transportation, or while exposed during disposal operations.
- *Department* - the New Mexico Department of Environment (20.9.2.7 NMAC) [Citation Revised March 2007; Citation Revised March 2008].
- *Secretary* - the Secretary of the Department of Environment or her/his designee (20.9.2.7 NMAC) [Citation Revised March 2007; Citation Revised March 2008].

**TOXIC SUBSTANCES MANAGEMENT
GUIDANCE FOR NEW MEXICO CHECKLIST USERS**

REFER TO CHECKLIST ITEMS:

PCB Management

Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Missing Checklist Items T1.2.1.NM.

Asbestos Management

Missing Checklist Items T2.2.1.NM.

Asbestos Disposal T2.15.1.NM. through T2.15.8.NM.

Radon Management

Refer to the U.S. TEAM Guide and the DOD Component Supplements for DOD and service-specific requirements.

Missing Checklist Items T3.2.1.NM.

Lead-Based Paint Management

Refer to the U.S. TEAM Guide and the DOD Component Supplements for DOD and service-specific requirements.

Missing Checklist Items T4.2.1.NM.

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
PCB MANAGEMENT T1.2. Missing Checklist Items T1.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
ASBESTOS MANAGEMENT T2.2. Missing Checklist Items T2.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
ASBESTOS MANAGEMENT T2.15. Asbestos Disposal T2.15.1.NM. Generators and haulers of asbestos waste must meet management requirements (20.9.8.12 (A), (B), (E) (1) and (2), (F), and (H) NMAC) [Revised January 1998; Revised March 2007; Revised March 2008].	<p>Verify that generators of asbestos waste determine whether the asbestos waste is regulated asbestos waste.</p> <p>(NOTE: If it is not regulated asbestos waste, and it is to be disposed as non-regulated asbestos waste, the generator shall assure that the asbestos waste is handled in a manner to prevent the asbestos waste from becoming regulated asbestos waste.)</p> <p>Verify that the generator of regulated asbestos waste properly wets and containerizes the waste.</p> <p>Verify that no hauler accepts or transports regulated asbestos waste unless the waste has been properly wetted and containerized.</p> <p>Verify that regulated asbestos waste is properly containerized by placing it in a plastic bag of 6-mil or thicker, sealed in such a way to be leak-proof, and the amount of void space or air in the bag is minimized.</p> <p>Verify that asbestos waste slurries are packaged in leak-proof drums if they are too heavy for the plastic bag containers.</p> <p>(NOTE: Regulated asbestos waste may also be containerized by double bagging, using plastic-lined cardboard containers, plastic-lined metal containers, or the use of vacuum trucks for the transport of slurry.)</p> <p>Verify that pipes or other facility components that are removed as sections without first removing the asbestos are wrapped in a minimum of 6-mil plastic sufficient to prevent asbestos fibers from escaping.</p> <p>Verify that the hauler ensures that regulated asbestos waste is properly contained in a manner to prevent asbestos fibers from escaping and with appropriate labels, and that the outsides of the containers are not contaminated with asbestos debris adhering to the containers.</p> <p>Verify that the transporter does not accept nor transport regulated asbestos waste if there is a reason to believe that the condition of the asbestos waste may allow fiber release.</p> <p>Verify that all regulated asbestos containers, to include individually wrapped facility components or pipes, have a warning label specified by the U.S. EPA or</p>

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>T2.15.2.NM. [Deleted March 2008].</p> <p>T2.15.3.NM. Haulers/transporters of asbestos waste must comply with specific operating requirements (20.9.8.12 (E)(3) NMAC) [Citation Revised January 1998; Revised March 2007].</p>	<p>the occupational safety and health administration (OSHA).</p> <p>Verify that labels are printed in both English and Spanish.</p> <p>Verify that, if at any time during the generation or transportation of non-regulated asbestos waste the waste material is subjected to handling that renders it to be regulated asbestos waste, the generator or hauler immediately begin handling it as regulated asbestos waste, and disposes of the regulated asbestos waste in a landfill or monofill permitted to accept such waste.</p> <p>(NOTE: See SO.9.5.NM. for manifest requirements.)</p> <p>Verify that the hauler ensures that the regulated asbestos waste containers are loaded into the transport vehicle in a manner which prevents the breaking of the containers.</p> <p>Verify that the hauler ensures that the asbestos waste containers are transferred at the disposal site in such a manner to prevent fiber release.</p> <p>Verify that, if the hauler discovers that the regulated asbestos waste is not properly containerized, the hauler immediately cleans up the contaminated area and repairs or reseals the container by appropriate methods.</p> <p>Verify that the department is notified of any release within 24 hours.</p> <p>Verify that the transporter ensures that all containers in his possession are of adequate design and condition to prevent the release of fibers during transport.</p> <p>Verify that vehicles used for transport of containerized regulated asbestos waste have an enclosed carrying compartment or utilize a canvas or plastic lined covering sufficient to contain the transported waste, prevent damage to containers, and prevent fiber release.</p> <p>Verify that all surfaces of vehicles and other asbestos handling equipment and facilities are maintained free from the accumulation of dusts and waste containing asbestos and have a smooth, non-absorbent finish.</p> <p>Verify that no vehicle which uses compactors to reduce waste volume is used to transport asbestos waste.</p> <p>Verify that vacuum trucks used to transport waste slurry are inspected to ensure that liquid is not leaking from the truck.</p>

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>T2.15.4.NM. [Deleted March 2008].</p> <p>T2.15.5.NM. [Deleted March 2008].</p> <p>T2.15.6.NM. Landfills must comply with specific operating standards regarding asbestos waste (20.9.8.12 (G) and (I) NMAC) [Revised January 1998; Revised March 2007; Revised March 2008].</p>	<p>Verify that the hauler of the regulated asbestos waste notifies the landfill operator that the load contains regulated asbestos waste.</p> <p>(NOTE: 20.9.1.700(E)(1)(c) NMAC repealed. See T2.15.1.NM. and T2.15.3.NM.)</p> <p>(NOTE: 20.9.1.700(E)(2) NMAC repealed. See T1.15.1.NM.)</p> <p>Verify that the operator of a landfill permitted to accept regulated asbestos waste meets the following requirements:</p> <ul style="list-style-type: none"> - inspect the loads at the time of disposal at the landfill to verify that the regulated asbestos waste is properly contained and labeled - if the wastes are not properly containerized and the landfill operator accepts the load, thoroughly soak the asbestos with a water spray prior to unloading, rinse out the truck, and immediately cover the wastes with non-waste containing material to prevent fiber release, prior to compacting the waste in the landfill - prepare a separate excavation to receive only regulated asbestos wastes; the excavation will be as narrow as possible while complying with all occupational safety and health administration (OSHA) regulations and standards - align the excavation perpendicular to the prevailing winds - off-load asbestos containers within the excavation with sufficient care to avoid breaking the containers - completely cover the containerized waste within 18 hours with a minimum of six inches of non-waste containing material - completely cover improperly containerized regulated asbestos waste with six inches of non-waste containing material immediately - regulated asbestos waste is not compacted until it is completely covered with six inches of non-waste containing material. <p>Verify that, when closing a cell containing regulated asbestos waste, the landfill operator meets the following requirements:</p> <ul style="list-style-type: none"> - cover with an additional 30 inches of compacted non-waste containing material to provide a 36-inch final cover to the original grade - implement measures as necessary to control erosion and rodent intrusion.

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>T2.15.7.NM. Landfills that accept asbestos waste must control public access (20.9.8.12 (J) (1) and (2) NMAC) [Added March 2007; Revised March 2008].</p>	<p>Verify that, at a minimum, the owner or operator meet the following requirements:</p> <ul style="list-style-type: none"> - limits access to the asbestos management site to no more than 2 entrances by gates that can be locked when left unattended and by fencing adequate to deter access by the general public - places warning signs at the entrance and at intervals no greater than 100 feet along the perimeter of the sections where asbestos waste is deposited - the signs read as follows: ASBESTOS WASTE DISPOSAL SITE DO NOT CREATE DUST BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH - the signs are posted in such a manner and location that a person can easily read the legend and conform to the requirements of 20 inches by 14 inches upright format signs specified in 29 CFR 1910.145(d)(4) (or equivalent regulation adopted by the board under the Occupational Health and Safety Act) - spacing between any two lines is at least equal to the height of the upper of the two lines.
<p>T2.15.8.NM. Landfills that accept asbestos waste must at least one employee who has received at least 24 hours of course work in an EPA certified training course which deals with the identification, hazards, and management of asbestos wastes. (20.9.8.12 (J) (3) NMAC) [Added March 2007; Revised March 2008].</p>	<p>Verify that the owner or operator has at least one employee who has received at least 32 hours of course work in an EPA certified training course that deals with the identification, hazards and management of asbestos wastes.</p> <p>Verify that the employee with this training is present at all times when asbestos wastes are being disposed.</p>

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
RADON MANAGEMENT T3.2. Missing Checklist Items T3.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: TOXIC SUBSTANCES MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
LEAD-BASED PAINT MANAGEMENT T4.2. Missing Checklist Items T4.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

SECTION 12

WASTEWATER MANAGEMENT

New Mexico Supplement, March 2010

This section covers the state requirements for Wastewater Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Definitions

- *Absorption Area* - the area in square feet of infiltrative surface in a soil disposal system designated to receive effluent from a treatment unit Title 20 New Mexico Administrative Code (NMAC) Chapter 7, Part 3, Section 7) (20.7.3.7 NMAC) [Added March 2006].
- *Abandoned Well* - a well whose use has been permanently discontinued or that is in a state of disrepair such that it cannot be rehabilitated for its intended purpose or other purposes including monitoring and observation (20.6.2.7 NMAC).
- *Advanced Treatment* - any process of wastewater treatment that removes a greater amount of contaminants than is accomplished through primary treatment; advanced treatment may include physical or chemical processes (20.7.3.7 NMAC) [Added March 2006].
- *Alternative Disposal Systems* – any approved on-site liquid waste disposal method used in lieu of, including modifications to, a conventional disposal method; these include but are not limited to, mounds, evapotranspiration beds, pressure dosed systems, and surface irrigation systems (20.7.3.7 NMAC) [Added March 2006].
- *Approved* - (20.7.3.7 NMAC) [Added March 2008].
 - a. materials, products or procedures that have been reviewed by the technical advisory committee, if required, and accepted for use by the department;
 - b. a liquid waste system that was permitted, constructed and installed in compliance with the standards and requirements of this regulation; or
 - c. a person or entity authorized by the department to design, install, modify or maintain liquid waste systems or a person authorized by the department to perform site or liquid waste system evaluations.
- *Arroyo* - a dry wash or draw that flows only occasionally, a watercourse (as a creek or stream) in an arid region, or a water carved gully or channel (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Barrier Well* - a well used to inject fluids into groundwater to prevent the intrusion of saline or contaminated water into groundwater of better quality (20.6.2.7 NMAC) [Citation Revised September 2003].no
- *Bedrock* - the more or less solid, undisturbed rock in place either at the surface or beneath surficial deposits of gravel, sand or soil, or a consolidated rock formation of impervious material that may exhibit jointed, fractured, or deteriorated characteristics, or the R horizon of a soil profile as defined in the USDA soil survey manuals (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Blackwater* - waste from a liquid flushing toilet, urinal, kitchen sinks, dishwashers, or laundry water from the washing of material soiled with human excreta, such as diapers (20.7.3.7 NMAC) [Citation Revised September 2003; Revised August 2004].

- *Board* - the Utility Operators Certification Advisory Board (20 NMAC 7.4, 108).
- *Body of Water* - all constrained water including water situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Building Drain* - part of the lowest piping of a drainage system that receives the collective liquid waste discharge from soil, waste and other drainage piping inside a building and conveys it to the building sewer that begins two (2.0) feet outside the vertical plane of the building wall, residential or commercial unit; and (20.7.3.7 NMAC) [Added March 2006].
- *Building Sewer* - part of the horizontal piping of a drainage system that extends from the end of the building drain located two (2.0) feet outside the building wall and that receives the liquid waste discharge from the building drain and conveys it to a liquid waste treatment unit or approved point of disposal (20.7.3.7 NMAC) [Added March 2006].
- *Casing* - pipe or tubing of appropriate material, diameter and weight used to support the sides of a well hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent fluid from entering or leaving the well other than to or from the injection zone (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Cementing* - the operation whereby a cementing slurry is pumped into a drilled hole and/or forced behind the casing (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Certificate of Registration* - a permit for the continued operation of a previously unpermitted on-site liquid waste system (20.7.3.7 NMAC) [Added March 2008].
- *Certified Operator* - a person who is certified by the commission as being qualified to supervise or operate one of the classifications of wastewater facilities (20 NMAC 7.4, Section 108).
- *Cesspool* - an excavation or non-water tight unit that receives untreated water-carried liquid waste allowing direct discharge to the soil (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Clearance* - the vertical thickness of suitable soil between the lowest point of a liquid waste disposal system and the seasonal high ground water table, bedrock, or other limiting layer (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Cluster System* - a wastewater system that serves more than one unit and treats 2000 gallons per day or less of wastewater (20.7.3.7 NMAC) [Added March 2006].
- *Collection System* - pipelines or conduits, pumping stations, force mains, and all other devices, appurtenances and facilities used for collecting and conducting waste to a point of treatment and disposal (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Commercial Unit* - a structure without bedrooms but with sinks, baths, showers, toilets, urinals, floor drains for receiving liquid waste (20.6.2.7 NMAC) [Added August 2004].
- *Commission* - the New Mexico water quality control commission or the department, when used in connection with any administrative and enforcement activity (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Conventional Disposal* - a subsurface soil absorption system with gravity distribution of the effluent, with or without a lift station, constructed in accordance with the standards set forth in this regulation, including trench or bed absorption areas and seepage pits (20.7.3.7 NMAC) [Added March 2006].

- *Conventional Mining* - the production of minerals from an open pit or underground excavation (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Conventional Treatment* - a septic tank where primary treatment occurs (20.7.3.7 NMAC) [Added March 2006].
- *Conventional Treatment System* - an on-site liquid waste system utilizing both conventional treatment and conventional disposal; for fee purposes only, "conventional treatment system" includes privies, holding tanks and vaults (20.7.3.7 NMAC) [Added March 2006].
- *Degrade a Body of Water* - to reduce the physical, chemical, or biological qualities of a body of water, including, but not limited to, the release of material that could result in the exceeding of standards established by the Water Quality Standards for Interstate and Intrastate Streams in New Mexico, by the New Mexico Water Quality Control Regulations, and by the New Mexico Regulations Governing Water Supplies (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Design Flow* - the flow rate for which an on-site liquid waste system must be designed in order to assure acceptable system performance, assuming the use of conventional plumbing fixtures (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Disinfected or Disinfection* - the use of any process designed to effectively kill most micro-organisms contained in liquid waste effluent including essentially all pathogenic (disease causing) organisms, as indicated by the reduction of the fecal coliform concentration to a specific level; these processes include, but are not limited to, suitable oxidizing agents such as chlorine, ozone and ultraviolet light (20.7.3.7 NMAC) [Added March 2006].
- *Disposal* - to abandon, deposit, inter, or otherwise discard a fluid as a final action after its use has been achieved (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Disposal System* - a generally recognized system for disposing of the discharge from a liquid waste treatment unit and includes, but is not limited to, seepage pits, drainfields, evapotranspiration systems, sand mounds and irrigation systems (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Drainage Ditch* - an unlined trench dug for the purpose of draining water from the land or for transporting water for use on the land (20.7.3.7 NMAC) [Added March 2006].
- *Edge of a Watercourse, Canal, or Arroyo* - that point of maximum curvature at the upper edge of a definite bank or, if no definite bank exists, the highest point where signs of seasonal high water flow exist (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Effluent* - the discharge from the final treatment unit (20.7.3.7 NMAC) [Added March 2006].
- *Effluent Disposal Well* - a prohibited method of disposal consisting of a drilled, driven or bored shaft or dug hole with depth greater than any surface dimension, used for subsurface emplacement of liquid waste, including, but not limited to, abandoned water supply wells, irrigation wells and test holes, but excluding seepage pits used as disposal systems, which conform to the standards in 20.7.3.702 NMAC (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Enclosed System* - a watertight liquid waste system that does not discharge to the soil, including, but not limited to, holding tanks and lined evapotranspiration systems (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Established On-Site Liquid Waste System* - an on-site liquid waste system that has been in active use at any time during the ten (10) years prior to submission of a permit application and in compliance with any liquid waste disposal regulation in effect at the time of installation, excluding the permitting or registration process, but does not include cesspools (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].

- *Evapotranspiration System* - a disposal system designed to dispose of all the design flow from a liquid waste treatment unit through evaporation and plant uptake and transpiration (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Fluid* - a material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Gray Water* - untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers or laundry water from the washing of material soiled with human excreta (20.7.3.7 NMAC) [Citation Revised September 2003; Revised August 2004].
- *Groundwater* - interstitial water that occurs in saturate earth material and that is capable of entering a well in sufficient amounts to be utilized as a water supply (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Hazard to Public Health* - the indicated presence in water or soil of biological, chemical or other contaminants under such conditions that they could adversely impact human health, including without limitation surfacing liquid waste, damage to a domestic water supply source, presence of an open cesspool or tank, or exposure of liquid waste or seepage in a manner that allows transmission of disease (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Holding Tank* - a watertight tank designed to receive and retain liquid waste for periodic pumping and disposal off-site (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Household Hazardous Waste* - a wide range of household products that have the characteristics of hazardous waste when discarded, including but not limited to, pesticides and herbicides, oil-based paints and stains, automobile fluids (antifreeze, motor oil, transmission, steering and brake fluids, gasoline), pool chemicals, hobby chemicals and darkroom chemicals (20.7.3.7 NMAC) [Added March 2006].
- *Industrial Process Wastewater* - non-household wastewater, excepting the following: human excreta; used water from showers, washbasins and dishwashers; and food preparation waste; any wastewater generated in a commercial activity that contains the materials prohibited by Subsection A of 20.7.3.304 NMAC is industrial process wastewater (20.7.3.7 NMAC) [Added March 2006].
- *Injection* - the subsurface emplacement of fluids through a well (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Injection Zone* - a geological formation, group of formations, or part of a formation receiving fluids through a well (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Limiting Layer* - an impervious formation, a type Ia or type IV soil described in Table 703.1, bedrock or the seasonal high ground water table (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Liner* - a manufactured or naturally occurring substance that restricts seepage to no more than 10⁻⁷ cm/sec. over the design service life of the lined unit; manufactured liners must have a minimum single-ply thickness of 20 mils and have no leaks (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Liquid Waste* - the discharge of wastewater from any residential or commercial unit where the total wastewater discharge on a lot is 2000 gallons per day or less; liquid waste includes without limitation human excreta and water carried waste from plumbing fixtures, including, but not limited to, wastes from toilets, sinks, showers, baths, clothes- and dish-washing machines and floor drains; liquid waste also includes non-water carried wastes discharged into holding tanks, privies and vaults; specifically excluded from the definition of liquid waste are

industrial process wastewaters, roof drainage, mine or mill tailings or wastes (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].

- *Liquid Waste System* - all liquid waste treatment units and associated disposal systems, or parts thereof, serving a residential or commercial unit on a lot; liquid waste systems include enclosed systems, holding tanks, vaults and privies but do not include systems or facilities designed to receive or treat mine or mill tailings or wastes (20.7.3.7 NMAC) [Added March 2006].
- *Liquid Waste Treatment Unit* - a component of the on-site liquid waste system where removal, reduction or alteration of the objectionable contaminants of wastewater is designed to occur; it may include a holding component but does not include soil (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Lot* - a unified parcel where liquid waste will be generated or disposed, excluding roadways and roadway easements, legally recorded or validated by other means. This term includes any contiguous parcel subject to a legally recorded perpetual easement which dedicates the servient parcel for the disposal of liquid waste generated on the dominant parcel (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Maintenance Contract* - a contract between the system owner and a maintenance service provider in which the maintenance service provider agrees to provide periodic inspections in regards to the operation, maintenance and repair of the system (20.7.3.7 NMAC) [Added March 2006].;
- *Modify or Modification* - relating to a liquid waste system (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006; Revised March 2008]:
 1. to change the method of on-site liquid waste treatment or disposal
 2. to increase the design flow or change the design of the on-site liquid waste system
 3. to change the horizontal or vertical location of the disposal system
 4. to increase the amount of design flow or load received by the on-site liquid waste system above the original design flow or load
 5. replace or expand the treatment unit or disposal system.
- *Noncommunity Water System* - any public water supply system that is not a "community water system" or a "nontransient noncommunity water system," including but not limited to, seasonal facilities such as children's camps or recreational camping areas, or year-round facilities which serve more than 25 persons who are not residents thereof, such as gasoline service stations, marinas, rest areas, restaurants which are not served by a community water system. (20 NMAC 7.1.103).
- *Off-Site Water* - a domestic water supply to a lot from (20.7.3.7 NMAC) [Citation Revised September 2003]:
 1. a private water supply source which is neither within the lot nor within one 100 ft [30.48 m] of the property line of the lot
 2. a public water supply source which is not within the lot.
- *On-Site* - located on or within a lot (20.7.3.7 NMAC) [Added August 1998; Citation Revised September 2003].
- *On-Site Liquid Waste System* - a liquid waste system located on the lot where the liquid waste is generated (20.7.3.7 NMAC) [Added August 1998; Citation Revised September 2003; Revised March 2006].
- *Operator* - any person who operates a public water supply system or public wastewater facility (20.7.4.7 NMAC) [Revised March 2007].
- *On-Site Water* - domestic water supply to a lot from (20.7.3.7 NMAC) [Citation Revised September 2003]:
 1. a private water supply source which is within the lot or within 100 ft of the property line of the lot
 2. a public water supply source which is within the boundaries of the lot.

- *Owner* - any person who owns an on-site liquid waste system or any component thereof, or any lot upon which any on-site liquid waste system or any component thereof is located (20.7.3.7 NMAC) [Added March 2006].
- *Packer* - a device lowered into a well to produce a fluid-tight seal within the casing (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Percolation Rate* - the rate of entry of water into soil as determined by a standard soil test at the depth of a proposed soil disposal system (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Permanently Displayed* - in context of septic tank legends, embossed into the tank surface or a mechanically attached, non-corrosive plate (20.7.3.7 NMAC) [Added March 2006].
- *Permit* - a written approval from the department to install, modify, or operate an on-site liquid waste system (20.7.3.7 NMAC) [Added March 2006].
- *Private Water Supply Source* - a water supply source such as a well, spring, infiltration gallery, or surface water intake structure used to provide water to a public water supply system, if such a system has at least 15 service connections and serves an average of 25 individuals at least 60 days out of the year (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Privy or Outhouse* - a receptacle for nonliquid-carried excreta allowing direct discharge to the soil (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Public Water Supply Source* - a water supply source such as a well, spring, infiltration gallery, or surface water intake structure used to provide water to a public water supply system, if such system has at least 15 service connections and serves an average of 25 individuals at least 60 days out of the year (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Refuse* - food, swill, carrion, slops and all substances from the preparation, cooking and consumption of food and from the handling, storage and sale of food products, the carcasses of animals, junked parts of automobiles and other machinery, paper, paper cartons, tree branches, yard trimmings, discarded furniture, cans oil, ashes, bottles, and all unwholesome material (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Repair* - servicing or replacing, with like kind, mechanical or electrical parts of a n a p p r o v e d l i q u i d w a s t e system, p u m p i n g o f s e p t a g e o r m a k i n g m i n o r s t r u c t u r a l c o r r e c t i o n s t o a t a n k o r d i s t r i b u t i o n b o x (20.7.3.7 NMAC) [Added March 2006].
- *Seasonal High Groundwater Table* - the highest level to which the upper surface of ground water may be expected to rise within twenty-four (24) consecutive months (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Seasonal High Water Flow* -the highest level that perennial or intermittent surface waters may be expected to rise as a result of a 25 year, 6 hour storm event (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Secondary Treatment* - a wastewater treatment process used to convert dissolved or suspended materials into a form more readily separated from the water being treated; the process is commonly a biological treatment process followed by settling and clarification resulting in a reduction of the 5-day biochemical oxygen demand (BOD5) and total suspended solids (TSS) concentrations to a level specified in 20.7.3.602 NMAC (20.7.3.7 NMAC) [Added March 2006].

- *Seepage Pit* - a type of absorption system that uses a vertical, cylindrical, underground receptacle so constructed as to allow the disposal of effluent by soil absorption through its walls (20.7.3.7 NMAC) [Added March 2006].
- *Septage* - the residual wastes and water periodically pumped from a liquid waste treatment unit or from a holding tank (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Setback Distance* - the distance measured by a straight horizontal line between the on-site liquid waste system, its designated replacement area, or portion thereof, and the object being considered (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Sewer System* - pipelines, conduits, pumping stations, force mains, or other structures, devices, appurtenances or facilities used for collecting or conducting wastes to a ultimate point for treatment or disposal (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Sewerage System* - a system for disposing of wastes, either by surface or underground methods, including sewer systems, treatment works, disposal wells and other systems (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Suitable Soil* - a soil, whether naturally occurring or introduced, that will treat the primary effluent effectively and act as an effective filter and remove organisms and suspended solids prior to the effluent reaching ground water, bedrock or a limiting layer, and that will provide adequate transmission to prevent a failed system. Suitable soils are classified as type Ib, II, or III soils as classified in Table 703.1 (20.7.3.7 NMAC) [Citation Revised September 2003; Revised March 2006].
- *Surface Application* - the application of disinfected effluent to the ground surface where access is restricted by artificial or natural conditions (20.7.3.7 NMAC) [Added March 2006].
- *TDS* - total dissolved solids as determined by the "calculation method" (sum of constituents), by the "residue on evaporation method at 180°" of the U.S. Geological Survey Techniques of Water Resource Investigations, or by conductivity, as the director may determine (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Tertiary Treatment* - additional treatment beyond secondary treatment standards, specifically, the reduction in the total nitrogen concentration (20.7.3.7 NMAC) [Added March 2006].
- *Total Design Flow* - the sum of design flows for all liquid waste systems and other wastewater discharges on a lot (20.7.3.7 NMAC) [Citation Revised September 2003].
- *Toxic Pollutant* - a water contaminant or combination of water contaminants in concentration(s) which, upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains, will unreasonably threaten to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit. As used in this definition, injuries to health include death, histopathologic change, and clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions or physical deformations in such organisms or their offspring. In order to be considered a toxic pollutant a contaminant must be one or a combination of the potential toxic pollutants listed in Appendix 13-2 and be at a concentration shown by scientific information currently available to the public to have potential for causing one or more of the effects listed above (NOTE: Any water contaminant or combination of the water contaminants listed in Appendix 13-2 creating a lifetime risk of more than one cancer per 100,000 exposed persons is a toxic pollutant.) (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Variance* - an administrative procedure authorizing the issuance of a permit or use of a system that does not meet the specific requirements of 20.7.3 NMAC but which meet the intent of 20.7.3 NMAC (20.7.3.7 NMAC) [Added March 2006].

- *Wastes* - sewage, industrial wastes, or any other liquid gaseous or solid substance which will pollute any waters of the state (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Wastewater* - blackwater and graywater (20.6.2.7.NMAC) [Added August 2004].no
- *Wastewater Facility* - a system of structures, equipment and processes designed to collect and treat domestic and industrial wastes and dispose of the effluents from a public system (20.6.2.7 NMAC) [Citation Revised September 2003].no
- *Water* - all water including water situated wholly or partly within or bordering upon the state, whether surface or subsurface, public or private, except private waters that do not combine with other surface or subsurface water (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Watercourse* - any river, creek, arroyo, canyon, draw, or wash, or any other channel having definite banks and beds with visible evidence of the occasional flow of water (20.6.2.7 NMAC) [Citation Revised September 2003].
- *Well* – either (20.6.2.7 NMAC) [Citation Revised September 2003]:
 1. A bored, drilled, or driven shaft
 2. A dug hole whose depth is greater than the largest surface dimension
 3. An improved sinkhole
 4. A subsurface fluid distribution system.
- *Well Stimulation* - a process used to clean the well, enlarge channels, and increase pore space in the interval to be injected, thus making it possible for fluids to move more readily into the injection zone. Well stimulation includes, but is not limited to (20.6.2.7 NMAC) [Citation Revised September 2003]:
 1. surging
 2. jetting
 3. blasting
 4. acidizing
 5. hydraulic fracturing.

WASTEWATER MANAGEMENT GUIDANCE FOR NEW MEXICO CHECKLIST USERS	
REFER TO CHECKLIST ITEMS:	
Missing Checklist Items	WA.2.1.NM.
Discharges to the Environment	WA.5.1.NM. through WA.5.6.NM.
Treatment Works	WA.20.1.NM. through WA.20.4.NM.
Other Discharges and Dischargers	[Deleted]
Individual Sewage Systems	WA.100.1.NM. through WA.100.17.NM.

GUIDANCE FOR NEW MEXICO APPENDIX USERS	
REFER TO APPENDIX NUMBERS:	REFER TO APPENDIX TITLES:
12-1	Required Minimum Setback Distances (in feet)
12-2	Standards for Groundwater
12-3	Public Wastewater Facilities.

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>WA.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applicable regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

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<p>WA.5.</p> <p>DISCHARGES TO THE ENVIRONMENT</p> <p>WA.5.1.NM. Effluents discharged into a watercourse are required to meet specific standards (20.6.2.2100 and 20.6.2.2101 NMAC).</p> <p>WA.5.2.NM. Effluents discharged from a community sewerage system into certain watercourses are required to meet more stringent standards</p>	<p>(NOTE: These requirements do not apply to any discharges subject to a NPDES permit.)</p> <p>Verify that discharged effluents are sampled in accordance with the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association or the most current edition of Methods for Chemical Analysis of Water and Wastes published by the Environmental Protection Agency, where applicable.</p> <p>Verify that effluents discharged into watercourses conform to the following standards:</p> <ul style="list-style-type: none"> - biochemical oxygen demand (BOD) less than 30 mg/L - chemical oxygen demand (COD) less than 125 mg/L - settleable solids less than 0.5 mg/L - fecal coliform bacteria less than 500 organisms /100 mL - pH between 6.6 and 8.6. <p>(NOTE: Effluents are not in compliance if any of the following samples exceed the above standards:</p> <ul style="list-style-type: none"> - any 2 daily composite samples - more than one daily composite sample in any 30-day period in which less than 10 daily samples are examined - more than 10 percent of the daily composite samples in any 30-day period in which 10 or more composite samples are examined - a grab sample collected during flow from an intermittent or infrequent discharge.) <p>(NOTE: Upon application, the Director of the Environmental Improvement Division may eliminate the pH requirement for any effluent source that the director determines does not unreasonably degrade the water into which the effluent is discharged.)</p> <p>Determine whether effluents from any community sewerage system are discharged into the Rio Grande Basin between the headwaters of Elephant Butte Reservoir and Angostura Diversion Dam.</p> <p>(NOTE: Counties included in the basin are:</p> <ul style="list-style-type: none"> - north portion of Socorro County

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<p>(20.6.2.2102 NMAC).</p>	<ul style="list-style-type: none"> - northeast corner of Catron County - east portion of Valencia County - west portion of Bernalillo County - east portion McKinley County - most of Sandoval.) <p>Verify that effluents discharged from any community water system do not exceed the following limits:</p> <ul style="list-style-type: none"> - biochemical oxygen demand (BOD) less than 30 mg/L - chemical oxygen demand (COD) less than 80 mg/L - settleable solids less than 0.1 mg/L - fecal coliform bacteria less than 500 organisms /100 mL - pH between 6.6 and 8.6. <p>(NOTE: Effluents are not in compliance if any of the following samples exceed the above standards:</p> <ul style="list-style-type: none"> - any 2 daily composite samples - more than one daily composite sample in any 30-day period in which less than 10 daily samples are examined - more than 10 percent of the daily composite samples in any 30-day period in which 10 or more composite samples are examined - a grab sample collected during flow from a n in intermittent or in frequent discharge.)
<p>WA.5.3.NM. Dischargers intending to modify or construct a water contaminant discharge must file a notice of intent to discharge (20.6.2.1201 NMAC) [Revised August 2002].</p>	<p>Verify that dischargers intending to construct or modify a water contaminant discharge files a notice with the Ground Water Protection and Remediation Bureau for discharges that may affect ground water, and/or the Surface Water Quality Bureau for discharges that may affect surface water.</p> <p>Verify that any person intending to inject liquid fluids into a well, including a subsurface distribution system (unless the injection is being made subject to the Liquid Waste Disposal Regulations), files a notice with the Ground Water Quality Bureau of the Department.</p> <p>Verify that the notices include:</p> <ul style="list-style-type: none"> - the name of the person making the discharge - the address of the person making the discharge - the location of the discharge - an estimate of the concentration of water contaminants in the discharge - the quantity of the discharge.
<p>WA.5.4.NM. Dischargers to</p>	<p>Verify that, within 24 h of a water contaminant discharge that may be detrimental</p>

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<p>the environment must comply with notification requirements (20.6.2.1203 (A)(1) through (3) NMAC) [Revised August 2002].</p>	<p>to human health, animal or plant life, property, or that may interfere with the public welfare or use of the property, oral notification is made to the Chief of the Ground Water Quality Bureau.</p> <p>Verify that the following information is provided:</p> <ul style="list-style-type: none"> - the name, address, and telephone number of the persons in charge of the facility - the date, time, location, and duration of the discharge - the source and cause of the discharge - a description of the discharge, including its chemical composition - any actions taken to mitigate immediate damage from the discharge. <p>Verify that within 1 week of a water contaminant discharge, the discharger sends written notification verifying the prior oral communication.</p>
<p>WA.5.5.NM. Dischargers to the environment must take corrective actions (20.6.2.1203(A)(5) and (6) NMAC) [Revised August 2002].</p>	<p>Verify that corrective actions are taken as soon after learning of a water contaminant discharge that may be detrimental to human health, animal or plant life, property, or that may interfere with the public welfare or use of the property.</p> <p>Verify that the corrective actions contain and remove or mitigate the damage caused by the discharge.</p> <p>Verify that no later than 15 days after the discharge the discharger sends to the Chief of the Ground Water Quality Bureau a written report describing any corrective actions taken or to be taken with respect to the discharge.</p>
<p>WA.5.6.NM. Discharge permits are required for discharges of contaminants or pollutants to ground water (20.6.2.3104 through 20.6.2.3106 NMAC) [Revised September 2003].</p>	<p>Verify that there is no discharge of effluent or leachate of any of the contaminants listed in Appendix 12-2 or any toxic pollutant, so that it may move directly or indirectly into ground water unless a discharge permit has been issued by the secretary.</p> <p>Verify that when a permit has been issued, discharges are consistent with the terms and conditions of the permit.</p> <p>Verify that permitted dischargers submit for approval, and abide by the conditions of, a discharge plan.</p> <p>(NOTE: The following are exempt from discharge permit requirements:</p> <ul style="list-style-type: none"> - effluent or leachate that conforms to all the listed numerical standards of Appendix 12-2 and has a total nitrogen concentration of 10 mg/L or less, and does not contain any toxic pollutant - effluent that is discharged from a sewerage system used only for disposal of household and other domestic waste that is designed to receive and that does

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	<p>receive 2,000 gal or less of waste per day</p> <ul style="list-style-type: none"> - water used for irrigated agriculture, for watering of lawns, trees, gardens, or shrubs, or for irrigation for a period not to exceed 5 years for the revegetation of any disturbed land area, unless that water is received directly from any sewerage system - discharges resulting from the transport or storage of water diverted, provided that the water diverted has not had added to it after the point of diversion any effluent received from a sewerage system, that the source of the water diverted was not mine workings, and that the Director has not determined that a hazard to public health may result - effluent discharged to a watercourse that is naturally perennial, except discharges to dry arroyos and ephemeral stream - those constituents limited by a National Pollutant Discharge Elimination System (NPDES) permit, where discharge occurs downstream from the outfall where the NPDES effluent limitations are imposed, unless the Director determines that a hazard to public health may result - discharges resulting from flood control systems - leachate resulting from the direct natural infiltration of precipitation through disturbed materials, unless the Director determines that a hazard to public health may result - leachate resulting entirely from the direct natural infiltration of precipitation through undisturbed materials - leachate from solids disposed of in accordance with the Solid Waste Management regulations adopted by the New Mexico Environmental Improvement Board on 19 April 1974 - natural groundwater seeping or flowing into conventional mine workings that reenters the ground by natural gravity flow prior to pumping or transporting out of the mine and without being used in any mining process; this exemption does not apply to solution mining - effluent or leachate discharges resulting from activities regulated by a mining plan approved on a permit issued by the New Mexico Coal Surface Mining Commission; this does not limit the application of appropriate groundwater protection requirements by the Commission - effluent or leachate discharges that are regulated by the exclusive authority of the Oil Conservation Commission.)

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<p>WA.20.</p> <p>TREATMENT WORKS</p> <p>WA.20.1.NM. The modification or construction of a sewage system must comply with specific requirements (20.6.2.1202(A) NMAC) [Revised August 2002].</p> <p>WA.20.2.NM. Public wastewater facilities must employ a certified operator (20.7.4.20(A) NMAC) [Revised March 2007].</p> <p>WA.20.3.NM. [Deleted March 2007].</p> <p>WA.20.4.NM. The names of certified operators must be submitted to the Department (20.7.4.20(D) NMAC) [Citation Revised March 2007].</p>	<p>(NOTE: This checklist item moved here from WA.100.NM.; August 1998.)</p> <p>Verify that any system that intends to construct or substantially modify a sewage system files plans and specifications of the construction or modification with the Ground Water Quality Bureau for discharges that may affect ground water, and/or the Surface Water Quality Bureau for discharges that may affect surface water.</p> <p>(NOTE: Modifications having a minor effect on the character of the discharge from sewage systems are to be reported as of 1 January and 30 June of each year to the Ground Water Quality Bureau for discharges that may affect ground water, and/or the Surface Water Quality Bureau for discharges that may affect surface water.)</p> <p>Verify that operations and maintenance of all or any part of a public wastewater facility are performed by, or under the direct supervision of a certified operator.</p> <p>Verify that the certified operator or certified supervisor holds certification in a class equal to, or greater than, the classification of the system or facility.</p> <p>(NOTE: See Appendix 12-3 for wastewater facility certifications.)</p> <p>(NOTE: 20.7.4.20 NMAC was revised.)</p> <p>Verify that the names of the certified operators employed by public wastewater facilities are submitted to the Department.</p> <p>Verify that the Department is notified in writing within 10 days after the replacement a certified operator.</p>

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WA.95. OTHER DISCHARGES AND DISCHARGERS		
WA.95.1.NM. September 2003].	[Deleted	(NOTE: Moved to WA.5.6.NM.)
WA.95.2.NM. September 2003].	[Deleted	(NOTE: See WQ.110.1.NM. and WQ.112.1.NM.)
WA.95.3.NM. September 2003].	[Deleted	(NOTE: See WQ.110.2.NM. and WQ.112.2.NM.)
WA.95.4.NM. September 2003].	[Deleted	(NOTE: See WQ.110.9.NM. and WQ.112.9.NM.)
WA.95.5.NM. September 2003].	[Deleted	(NOTE See WQ.110.6.NM. and WQ.112.6.NM.)
WA.95.6.NM. September 2003].	[Deleted	(NOTE: See WQ.110.7.NM. and WQ.112.7.NM.)
WA.95.7.NM. September 2003].	[Deleted	(NOTE: See WQ.110.1.NM. and WQ.112.1.NM.)
WA.95.8.NM. September 2003].	[Deleted	(NOTE: See WQ.110.6.NM. and WQ.112.6.NM.)

<p align="center">COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement</p>	
<p align="center">REGULATORY REQUIREMENTS:</p>	<p align="center">REVIEWER CHECKS: March 2010</p>
<p>WA.95.9.NM. [Deleted September 2003].</p>	<p>(NOTE: See WQ.110.7.NM. and WQ.112.7.NM.)</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.100.</p> <p>INDIVIDUAL SEWAGE SYSTEMS</p> <p>WA.100.1.NM. Construction or modifications of liquid on-site liquid waste systems require a permit (20.7.3.2., 20.7.3.202, 20.7.3.401 and 20.7.3.702 NMAC) [Citation Revised August 1998; Citation Revised September 2003; Revised August 2004 ; Revised March 2006; Revised March 2008].</p>	<p>(NOTE: The checklist items in this section were moved here from WA.20.NM.; August 1998.)</p> <p>(NOTE: These checklist items apply to on-site liquid waste systems and effluent from the systems that are designed to receive and do receive 2000 gal or less of liquid waste per day, and that do not generate discharges that require a discharge plan or a National Pollutant Discharge Elimination System (NPDES) Permit.)</p> <p>Verify that no construction or modification of an on-site liquid, either permitted or unpermitted, waste system is undertaken without a permit from the New Mexico Environment Department.</p> <p>(NOTE: A permit is not required for systems designed for the discharge of graywater that meet the requirements of WA.100.10.NM)</p> <p>Verify that no person operates, uses a non-site liquid waste system until the Department has granted final approval of the system after installation or modification of the system.</p> <p>Verify that all systems are installed, operated and maintained in accordance with the permit.</p> <p>(NOTE: Seepage pits should only be installed on sites where conventional disposal systems cannot be installed due to site restrictions.)</p> <p>(NOTE: Unpermitted conventional systems installed prior to February 1, 2002 may be issued a certificate of registration for continued operation if:</p> <ul style="list-style-type: none"> - the treatment unit is pumped and inspected utilizing a Department approved form and meets the requirements in effect at the time of inspection - the disposal system appears to be functioning properly - the appropriate permit fee is paid for the system installed. <p>Unpermitted conventional systems installed on or after February 1, 2002 may be permitted if:</p> <ul style="list-style-type: none"> - treatment unit is adequately exposed to allow full inspection and the disposal system is sufficiently exposed to determine all relevant aspects of construction and materials, including, but not limited to: soil type; pipe size, type and material; proper placement of aggregate and cover; and proper trench size, slope and spacing - the on-site liquid waste system meets all requirements of 20.7.3 NMAC - the appropriate permit fee and, at the discretion of the Department, an administrative penalty are paid.)

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.100.2.NM. The discharge of liquid waste must meet general requirements and prohibitions (20.7.3.201 NMAC) [Revised August 1998; Citation Revised September 2003 ; Revised March 2006; Revised March 2008].</p>	<p>Verify that no liquid waste is disposed into a cesspool, effluent disposal well, or anything other than a permitted enclosed system, a permitted liquid waste treatment unit, or a public sewer system except for the discharge of graywater (see WA.100.10.NM.).</p> <p>Verify that effluent from a liquid waste treatment unit is discharged through a permitted liquid waste disposal system or to a public sewer system.</p> <p>Verify that effluent from a liquid waste treatment unit is not discharged to an effluent disposal well.</p> <p>(NOTE: A privy may be used for the disposal of human excreta and toilet paper, but not for the disposal of other liquid wastes.)</p> <p>Verify that on-site liquid waste systems installed prior April 1 , 2007 meet the requirements of the regulations in effect at the time of their initial installation, or if there has been a prior permitted modification, the regulations in effect at the time of the most recent permitted modification will apply over the current regulations, whichever is less stringent.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>
<p>WA.100.3.NM. On-site liquid waste systems are subject to specific setback requirements (20.7.3.302 NMAC) [Citation Revised August 1998; Citation Revised September 2003; Citation Revised August 2004 ; Revised March 2006].</p>	<p>Verify that liquid waste systems are located to meet the setback requirements given in Appendix 12-1.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>
<p>WA.100.4.NM. On-site liquid waste systems are subject to specific clearance requirements (20.7.3.303 NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised August 2004 ; Revised March 2006].</p>	<p>Verify that no on-site liquid waste system discharges liquid waste into the soil where the vertical clearance from the bottom of the absorption area to seasonal high groundwater table, impervious formation, or other limiting layer is less than 4 ft.</p> <p>Verify that unlined privy pits provide a clearance of no less than 4 ft of suitable soil from the bottom of the excavation to seasonal high groundwater table, the seasonal high water flow, impervious formation or other limiting layer.</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.100.5.NM. Holding tanks for liquid waste are subject to specific requirements (20.7.3.809 NMAC) [Revised August 1998; Citation Revised September 2003; Revised August 2004; Revised March 2006].</p>	<p>(NOTE: See WA.100.1.NM. for applicability.)</p> <p>(NOTE: The installation of holding tanks for the disposal of liquid wastes are authorized on a temporary basis only and only for residential units where conventional or alternative liquid waste treatment systems cannot be installed, except the following uses may be authorized for permanent use:</p> <ul style="list-style-type: none"> - residential units, with a design flow rate of 375 gpd or less, occupied one hundred twenty (120) days or less per calendar year - residential units utilizing the holding tank only for the discharge of toilet waste in conjunction with a conventional treatment system for the remainder of the wastewater - non-residential, non-commercial units, such as guard shacks, toll booths, etc., with a design flow rate of 100 gpd or less - the collection of RV wastes and portable toilet wastes for disposal. <p>The installation of holding tanks is not authorized for commercial units.)</p> <p>Verify that no holding tank for liquid waste serves a design flow greater than 375 gal/day, except to replace an existing holding tank.</p> <p>Verify that holding tanks are constructed of the same materials, by the same procedures and to the same standards as on-site liquid waste treatment units except that they have no discharge outlets.</p> <p>Verify that all holding tank installations are tested on site for water tightness.</p> <p>Verify that the minimum size of a holding tank is 1000 gal or 4 times the design flow, whichever is greater.</p> <p>Verify that holding tanks are located in an area readily accessible to a pump vehicle under all weather conditions and where accidental spillage during pumpage will not create a nuisance or a hazard to public health.</p> <p>Verify that holding tanks are protected against flotation under high ground water conditions by weight of tank (ballasting), earth anchors, or by surface or shallow installation.</p> <p>Verify that holding tanks are equipped with a visible and audible high water alarm system that is set to activate at 80 percent of the tank capacity and placed in an approved conspicuous location.</p> <p>Verify that the alarm is not tampered with or disconnected.</p> <p>Verify that the owner/operator maintains records demonstrating sufficient pumping and proper disposal of liquid waste (seepage) from those units to prevent discharge.</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.100.6.NM. The disposal of substances into an on-site liquid waste system is restricted (20.7.3.304 NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised August 2004; Revised March 2006].</p>	<p>Verify that pumping and disposal records are:</p> <ul style="list-style-type: none"> - kept on a form provided by the Department if requested - accompanied by other documentation required by the Department - signed by the owner or an authorized representative - submitted on a semi-annual basis, or a schedule otherwise determined by the Department, to the Department field office having jurisdiction. <p>Verify that copies of pumpings and disposal manifests are retained for at least 7 years.</p> <p>Verify that no discharges from a holding tank enter the soil.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p> <p>Verify that none of the following is introduced into an on-site liquid waste system:</p> <ul style="list-style-type: none"> - household hazardous wastes - solvents - fertilizers - livestock wastes - other materials of a composition or concentration not generally considered liquid waste (see definition). <p>Verify that liquid waste treatment additives are not used as a means to reduce the frequency of proper maintenance and removal of septage from a treatment unit.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>
<p>WA.100.7.NM. On-site liquid waste systems must be maintained and inspected (20.7.3.902 NMAC) [Added August 1998; Citation Revised September 2003; Citation Revised August 2004; Revised March 2006; Revised March 2008].</p>	<p>Verify that an on-site liquid waste system is operated and maintained according to the recommendations of the manufacturer or installer of the system.</p> <p>Verify that the owner of an advanced treatment system installed September 1, 2005 enter into a department approved maintenance contract with a maintenance service provider.</p> <p>Verify that a maintenance contract is in effect at all times.</p> <p>Verify that any spillage that may occur during tank pumpout is cleaned up immediately and the spill area disinfected with a sodium or calcium hypochloride solution.</p> <p>Verify that the system is sampled in accordance with permit conditions for compliance with 20.7.3.602-604 NMAC if a regularly scheduled sampling event</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
	<p>has not occurred within 180 days of the inspection.</p> <p>Verify that the sampling results are included with the system report; if a regularly scheduled sampling event has occurred within 180 days of the inspection, the results of the sampling are included in the inspection report.</p> <p>Verify that inspections are recorded on forms approved by the department.</p> <p>Verify the inspection reports are kept on file by the inspector of the on-site liquid waste system.</p> <p>Verify that inspectors submit to the department copies of all inspection reports, whether completed or not, within 15 days of the inspection.</p> <p>Verify that corrective actions required pursuant to the inspection report are completed within 15 additional days.</p> <p>Verify that a permit or variance application is submitted within 15 days of the inspection to correct any deficiencies or permit violations identified by the inspection.</p> <p>Verify that, in the event of a failed system, that includes, but is not limited to disposal fields, the owner remedies the failed system with department approval.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>
<p>WA.100.8.NM. Interceptors must be installed when liquid wastes are discharged that may affect the operation of the on-site liquid waste system (20.7.3.305 NMAC) [Added August 1998; Citation Revised September 2003 ; Revised March 2006].</p>	<p>Verify that, when liquid wastes are discharged containing excessive amounts of grease, garbage, flammable wastes, sand, or other ingredients that may affect the operation of an on-site liquid waste system, an interceptor for such wastes is installed.</p> <p>Verify that installation of the interceptors complies with the minimum setback and clearance requirements of Appendix 12-1.</p> <p>Verify that waste interceptors are maintained in accordance with manufacturer's specifications.</p> <p>Verify that a maintenance contract is in effect at all times.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>
<p>WA.100.9.NM. Abandoned on-site liquid waste systems must be cleaned and closed</p>	<p>Verify that every cesspool, holding tank, septic tank, seepage pit or other liquid waste treatment unit that has been abandoned or been discontinued from use or to that no waste or building sewer from a plumbing fixture is connected, has the</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>(20.7.3.307 (B) and (C) NMAC [Added August 1998; Citation Revised September 2003; Revised March 2006].</p> <p>WA.100.10.NM. Graywater discharges of less than 250 gallons per day from on-site liquid waste systems must meet specific standards (20.7.3.810 NMAC) [Added August 2004 ; Revised March 2006].</p>	<p>liquid waste pumped and properly disposed.</p> <p>Verify that the bottom of the unit is opened or ruptured, or the entire unit collapsed so as to prevent the unit from retaining water.</p> <p>Verify that the empty liquid waste treatment unit is completely filled with earth, sand, gravel, concrete, or other approved material.</p> <p>Verify that where on-site treatment systems are abandoned consequent to connecting any premises with a public sewer, the permittee making the connection fills all abandoned treatment units within 30 days from the time of connection.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p> <p>(NOTE: This checklist item applies to graywater discharge of less than 250 gallons per day of private residential graywater.)</p> <p>Verify that graywater may be used for the resident's household flower gardening, composting or landscaping irrigation if the following conditions are met:</p> <ul style="list-style-type: none"> - a constructed graywater distribution system provides for overflow into the sewer system or on-site wastewater treatment and disposal system - a graywater storage tank is covered to restrict access and to eliminate habitat for mosquitoes or other vectors - the graywater system is sited outside of a floodway - graywater is vertically separated at least 5 feet above the ground water table - graywater pressure piping is clearly identified as a nonpotable water conduit - graywater is used on the site where it is generated and does not run off the property lines - graywater is discharged in a manner that minimizes the potential for contact with people or domestic pets - ponding is prohibited, discharge of graywater is managed to minimize standing water on the surface and to ensure that the hydraulic capacity of the soil is not exceeded - graywater is not sprayed - graywater is not discharged to a watercourse - graywater use complies with all applicable municipal or county ordinances - graywater is not stored longer than 24 hours before being discharged - a permit is issued if graywater use for purposes other than irrigation or composting - graywater is not used to irrigate food plants except for fruit and nut trees - graywater is discharged to a mulched surface area or to an underground irrigation system - graywater is not discharged closer than 100 feet to a watercourse or private domestic well, or closer than 200 feet to a public water supply well - graywater does not create a public nuisance

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.100.11.NM. Graywater from on -site liquid waste systems not meeting the requirements of WA.100.10.NM must meet specific requirements (20.7.3.811 N MAC) [Added March 2006].</p>	<p>- graywater does not contain hazardous chemicals derived from activities such as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from home photo labs or similar hobbyist or home occupational activities.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p> <p>Verify that the graywater system is permitted.</p> <p>Verify that clearance requirements are met (see WA.100.4.NM.).</p> <p>Verify that setback requirements listed in Appendix 12-1 are met except for the following:</p> <ul style="list-style-type: none"> - property lines, 2 feet for disposal area - building or structure, 2 feet for disposal area - building or structure, 0 feet for above ground tanks. <p>Verify that all graywater systems have a treatment unit.</p> <p>Verify that, if a tank is utilized as the treatment unit, graywater is utilized within 24 hours of collection unless additional treatment is provided.</p> <p>Verify that tanks are protected against possible floatation.</p> <p>Verify that above ground tanks are constructed of solid durable materials, not subject to corrosion or decay and are approved by the department.</p> <p>Verify that above ground tanks are set on a 3 inch minimum concrete pad.</p> <p>Verify that above ground tanks are not metal.</p> <p>Verify that all tanks have an overflow drain with a permanent connection to the building drain or building sewer.</p> <p>Verify that the tank is protected against sewer line backflow by a backwater valve.</p> <p>Verify that every tank has its rated liquid capacity and a sign "GRAYWATER SYSTEM, DANGER-UNSAFE WATER" permanently marked on the tank.</p> <p>Verify that the graywater system has no direct or indirect cross connections with potable water systems.</p> <p>Verify that graywater use for purposes other than irrigation or toilet flushing is prohibited.</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.100.12.NM. Any person offering services pertaining to an on-site liquid waste system, must be certified (20.7.3.904 N MAC) [Added March 2 006; Revised March 2008; Revised March 2009].</p> <p>WA.100.13.NM. Secondary and tertiary treatment and disinfection for on-site liquid waste systems must meet specific requirements (20.7.3.602, 20. 7.3.603, and 20.7.3.604 N MAC) [Added March 2006].</p>	<p>(NOTE: Irrigation of edible food crops is prohibited.)</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p> <p>Verify that, after July 1, 2009, any person offering services pertaining to an on-site liquid waste system are certified by the department.</p> <p>(NOTE: This checklist item includes site evaluator, system designer, installer, wastewater reuse irrigator, inspector, maintenance service provider or seepage pumper.)</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p> <p>Verify that a secondary treatment systems meets the following requirements:</p> <ul style="list-style-type: none"> - 5-day biochemical oxygen demand not to exceed a 6-sample rolling average of 30 mg/l with no single sample to exceed 60 mg/l - total suspended solids not to exceed a 6-sample rolling average of 30 mg/l with no single sample to exceed 60 mg/l. <p>Verify that tertiary treatment systems provide nutrient removal in addition to secondary treatment.</p> <p>Verify that, when disinfection is required, the effluent meets at a minimum secondary treatment requirements prior to disinfection.</p> <p>Verify that systems requiring disinfection provide treated effluent that do not exceed 200 colony forming units (CFUs) of fecal coliform bacteria per 100 ml.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
WA.100.14.NM. Privies or outhouses used for on-site liquid waste management must meet specific requirements (20.7.3.802 NMAC) [Added March 2006].	<p>(NOTE: A privy or outhouse may be used to dispose of non-liquid-carried human excreta directly to the soil.)</p> <p>Verify the setback and clearance requirements are met (see WA.100.3.NM and WA.100.4.NM).</p> <p>Verify that the privy or outhouse is constructed to prevent access by flies or vermin.</p> <p>Verify that the privy or outhouse is located to prevent flooding.</p> <p>Verify that there is sufficient replacement area for 2 additional pits.</p> <p>Verify that privy or outhouse pits are filled with clean earth when excreta accumulates to within one foot of the ground surface.</p> <p>Verify that no privy or outhouse is located on a lot less than 0.75 acre.</p> <p>Verify that no privy or outhouse is installed without a permit.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>
WA.100.15.NM. Pump stations or pump chambers for on-site liquid waste systems must meet operational requirements (20.7.3.812 NMAC) [Added March 2006].	<p>Verify that pump stations or pump chambers are watertight and are constructed of concrete, plastic, fiberglass or other approved material.</p> <p>Verify that tanks and chambers are designed and constructed so as to serve their intended purpose and appropriately coated to resist corrosion.</p> <p>Verify that all valves, motors, pumps, aerators and other mechanical or electrical devices are located where they will be accessible for inspection and repair at all times and protected with a locking removable cover.</p> <p>Verify that pump stations or pump chambers are equipped with both audible and visual alarms, or remote and visual alarms, for high water and pump failure.</p> <p>Verify that all alarm and control circuits are on a separate circuit from pumps and contained in weather-proof control boxes or located inside a building or other weather proof structure.</p> <p>Verify that alarms are placed in a conspicuous location approved by the Department.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>

COMPLIANCE CATEGORY: WASTEWATER MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WA.100.16.NM. Irrigation/reuse systems used for on-site liquid waste management must meet specific requirements (20.7.3.805 NMAC) [Added March 2006; Revised March 2008].</p>	<p>Verify that effluent used for irrigation meets secondary treatment standards. see WA.100.14.NM.).</p> <p>Verify that the effluent is only utilized subsurface.</p> <p>Verify that a application of the effluent resulting in standing or ponding of the effluent, whether liquid or frozen, is prohibited.</p> <p>Verify that the effluent does not leave the application area and contained on the permitted property.</p> <p>Verify that irrigation systems do not have cross connections, direct or indirect, with potable water systems.</p> <p>Verify that all irrigation systems are pressure dosed to assure an even distribution and loading of effluent throughout the application area.</p> <p>Verify that all parts of the reuse system are protected from freezing.</p> <p>Verify that the effluent is applied to a suitable landscaped area.</p> <p>(NOTE: Secondary treated and disinfected effluent may be used for toilet flushing or fire suppression with department approval.)</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>
<p>WA.100.17.NM. Evapotranspiration on-site liquid waste systems must meet specific requirements (20.7.3.806(A) NMAC) [Added March 2006].</p>	<p>Verify that evapotranspiration systems consist of a treatment unit and an evapotranspiration bed (ET bed) for disposal.</p> <p>Verify that effluent discharged to an ET bed does not exceed 200 mg/l of BOD.</p> <p>Verify that evapotranspiration systems meet the requirements of 20.7.3.302 NMAC.</p> <p>Verify that unlined ET beds meet the clearance and set back requirements for conventional absorption systems (see WA.100.3.NM and WA.100.4.NM).</p> <p>Verify that lined ET beds, considered to be nondischarging systems, are provided with a leak detection method.</p> <p>(NOTE: See WA.100.1.NM. for applicability.)</p>

Appendix 12-1

Required Minimum Setback Distances (in feet)

(Source: 20.7.3.302 NMAC) [Revised August 1998; Citation Revised September 2003; Citation Revised September 2004; Revised March 2006; Revised March 2008]

From:	To: Building Sewer	Treatment Unit(1)	Disposal Field	Seepage Pit
Property Lines	clear	5 ft	5 ft	8 ft
Building or Structure	2 ft	6 ft	8 ft	8 ft
Distribution Box	---	---	5 ft	5 ft
Disposal Field	---	10 ft (5)	4 ft (4)	10 ft
Seepage Pit	---	10 ft	10 ft	12 ft
Drinking Water Line (6)				
Private	1 ft	10 ft	10 ft	10 ft
Public	10 ft	10 ft	10 ft	10 ft
Drinking Water Source/Well				
Private	50 ft	50 ft	100 ft	100 ft
Public	50 ft	100 ft	200 ft	200 ft
Irrigation Well	50 ft	50 ft	100 ft	100 ft
Lined Canals	---	10 ft (2)	10 ft (2)	10 ft (2)
Unlined Canals, drainage ditches	---	15 ft (2)	25 ft (2)	25 ft (2)
Arroyos	---	15 ft (2)	25 ft (2)	25 ft (2)*
Other Watercourses				
Waters of the State	---	50 ft	100 ft	100 ft
Retention/detention area	---	15 ft	15 ft	15 ft
Seasonal High Water Table, Bedrock & Other Impervious Layers (3)	---	---	4 ft to bottom of system	4 ft to bottom of system

- (1) Applies to privy pits, enclosed systems, other liquid waste treatment units
- (2) Plus depth of channel
- (3) Unlined privy pits must provide clearance of at least 4 ft
- (4) Plus 2 ft for each additional foot of depth in excess of 1 ft below perforated pipe
- (5) May be 5 feet when Schedule 40 PVC/DWV pipe is used.
- (6) Or applicable plumbing code

NOTE: Setback distances to watercourses, canals and arroyos are measured from the edge of the seasonal high water flow to the on-site liquid waste system component. Setback distances to artificially controlled lakes or reservoirs are measured from the closest projected shoreline at the maximum controlled water level.

Appendix 12-2

Standards for Groundwater of 10,000 mg/l TDS Concentration or Less

(Source: 20.6.2.3103 NMAC) [Revised August 1998; Revised March 2006]

NOTE: If more than one water contaminant affecting human health is present, the toxic pollutant criteria (see definition) for the combination of contaminants, or the Human Health Standard for each contaminant (Section A and B below) applies, whatever is more stringent.

A. Human Health Standards For Groundwater	
Arsenic (As)	0.1 mg/L
Barium (Ba)	1.0 mg/L
Cadmium (Cd)	0.01 mg/L
Chromium (Cr)	0.05 mg/L
Cyanide (CN)	0.2 mg/L
Fluoride (F)	1.6 mg/L
Lead (Pb)	0.05 mg/L
Total mercury (Hg)	0.002 mg/L
Nitrate (NO ₃ as N)	10.0 mg/L
Selenium (Se)	0.05 mg/L
Silver (Ag)	0.05 mg/L
Uranium (U)	5.0 mg/L
Radioactivity: Combined: Radium-226 and Radium-228	30.0 pCi/L
Benzene	0.01 mg/L
Polychlorinated biphenyls (PCBs)	0.001 mg/L
Toluene	0.75 mg/L
Carbon tetrachloride	0.01 mg/L
1,2-dichloroethane (EDC)	0.01 mg/L
1,1-dichloroethylene (1,1-DCE)	0.005 mg/L
1,1,2,2-tetrachloroethylene (PCE)	0.02 mg/L
1,1,2-trichloroethylene (TCE)	0.1 mg/L
Ethylbenzene	0.75 mg/L
Total xylenes	0.62 mg/L
Methylene chloride	0.1 mg/L
Chloroform	0.1 mg/L
1,1-dichloroethane	0.025 mg/L
ethylene dibromide (EDB)	0.0001 mg/L
1,1,1-trichloroethane	0.06 mg/L
1,1,2-trichloroethane	0.01 mg/L
1,1,2,2-tetrachloroethane	0.01 mg/L
Vinyl chloride	0.001 mg/L
PAHs: total naphthalene plus monomethylnaphthalenes	0.03 mg/L
benzo-a-pyrene	0.0007 mg/L
B: Other Standards for Domestic Water Supply	
Chloride (Cl)	250 mg/L
Copper (Cu)	1.0 mg/L
Iron (Fe)	1.0 mg/L
Manganese (Mn)	0.2 mg/L
Phenols	0.005 mg/L
Sulfate (SO ₄)	600 mg/L
Total dissolved solids (TDS)	1000 mg/L
Zinc (Zn)	10.0 mg/L
pH	between 6 and 9

C. Standards For Irrigation Use: Groundwater Must Meet The Standards Of Subsections A, B, And C Unless Otherwise Provided.

Aluminum (Al)	5.0 mg/L
Boron (B)	0.75 mg/L
Cobalt (Co)	0.05 mg/L
Molybdenum (Mo)	1.0 mg/L
Nickel (Ni)	0.2 mg/L

Appendix 12-3

Levels of Certification For Operators of Public Wastewater Facilities

(Source: 20.7.4.10 (D) through (H) and 20.7.4.13 NMAC)

[Citation Revised September 2003; Revised March 2007]

The levels of general certification for operators of public wastewater facilities from lowest to highest are:

1. level 1 wastewater (WW1);
2. level 2 wastewater (WW2);
3. level 3 wastewater (WW3); and
4. level 4 wastewater (WW4).

The levels of special certification for operators of public wastewater facilities from lowest to highest are:

1. small wastewater (SWW); and
2. small wastewater advanced (SWWA).

The levels of certification for wastewater laboratory technicians at public wastewater facilities from lowest to highest are:

1. wastewater laboratory technician 1 (WWLT1);
2. wastewater laboratory technician 2 (WWLT2); and
3. wastewater laboratory technician 3 (WWLT3).

The levels of certification for operators of collection systems at public wastewater facilities from lowest to highest are:

1. collection systems 1 (CS1); and
2. collection systems 2 (CS2).

In order to operate the various types of treatment processes at public wastewater facilities, the indicated level of certification are required:

Type of Treatment Process	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Raw wastewater lagoons	SWW	WW1	WW1	WW1	WW1
Aerated lagoons	SWW	WW2	WW2	WW2	WW2
Primary treatment	SWW	WW2	WW2	WW2	WW2
Primary treatment and oxidation ponds	SWW	WW2	WW2	WW2	WW2
Secondary treatment, trickling filter	SWW	WW2	WW3	WW3	WW4
Secondary trickling filter, aeration	SWWA	WW3	WW3	WW4	WW4
Physical-chemical treatment processes	SWWA	WW3	WW3	WW4	WW4
Advanced waste treatment process	SWWA	WW3	WW4	WW4	WW4
Phosphorous and nitrogen removal	SWWA	WW3	WW3	WW4	WW4

In order to operate collection systems at the various sizes of public wastewater facilities, the indicated level of certification are required:

	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Level of Certification	SWW	CS1	CS1	CS2	CS2

In order to perform wastewater analysis at the various sizes of public wastewater facilities after January 1, 2008, the indicated level of certification are required:

	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Level of Certification	WWLT1	WWLT2	WWLT2	WWLT3	WWLT3

SECTION 13
WATER QUALITY MANAGEMENT
New Mexico Supplement, March 2010

This section covers the state requirements for Water Quality Management and is intended to supplement the U.S. TEAM Guide. Refer to the U.S. TEAM Guide and the DOD Component Supplements for Federal, DOD, and service-specific requirements.

Adoption of Regulations and Materials Incorporated by Reference

- 40 CFR Part 141 through July 1, 2007 are hereby incorporated by reference into this part. (The following USEPA regulations are also incorporated by reference to the extent that they amend Part 141 [Revised March 2009]:
Lead and Copper Rule, 72 Fed. Reg. 57782 (Oct. 10, 2007).
The term "state" means the New Mexico environment department when used in 40 CFR Part 141, in lieu of the meaning set forth in 40 CFR section 141.2
The term "service connection" has the meaning set forth in Subsection L of 20.7.10.7 NMAC, in addition to the meaning set forth in 40 CFR section 141.2.
- 40 CFR Part 143, through July 1, 2007 is incorporated by reference into 20.7.10 NMAC (20.7.10.100 and 20.1.10.101) [Revised March 2008; Revised March 2009].

Definitions

(NOTE: Because New Mexico renumbered their regulations in the New Mexico Administrative Code in October 2002, the citations for all definitions here are revised as of September 2003.)

- *Abatement* - the investigation, containment, removal, or other mitigation of water pollution (20.6.2.7 NMAC).
- *Abatement Plan* - a description of any operational, monitoring, contingency, and closure requirements, and conditions for the prevention, investigation, and abatement of water pollution (20.6.2.7 NMAC).
- *Acequia* - an irrigation ditch managed and maintained by the local community it serves. Acequias and community ditch associations are considered legal subdivisions of the state pursuant to Section 73-2-28 NMSA (19.26.2.7 NMAC) [Added May 2005].
- *Acre-foot* - a volume of water sufficient to cover one (1) acre of land one (1) foot deep. One acre-foot is equal to 43,560 cubic feet or 325,851 gallons (19.26.2.7 NMAC) [Added May 2005].
- *Artesian Well* - a well that penetrates a saturated hydrogeologic unit and allows underground water to rise or move appreciably into another geologic unit, or allows underground water to rise to freely flow at the land surface. For regulatory purposes, the determination of whether a well or bore hole is artesian shall be made by the state engineer, taking into consideration the potential for loss of water at the land surface or into another geologic unit (19.27.4.7 NMAC) [Added March 2006].
- *Beneficial Use* - the direct use or storage and use of water by man for a beneficial purpose including, but not limited to, agricultural, municipal, commercial, industrial, domestic, livestock, fish and wildlife, and

recreational uses. Beneficial use shall be the basis, the measure, and the limit of a water right (19.26.2.7 NMAC) [Added May 2005].

- *Casing* - pipe or tubing of appropriate material, diameter and weight used to support the sides of a well hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent fluid from entering or leaving the well other than to or from the injection zone (20.6.2.7 NMAC) [Added September 2003].
- *Cementing* - the operation whereby a cementing slurry is pumped into a drilled hole and/or forced behind the casing (20.6.2.7 NMAC) [Added September 2003].
- *Certificate of Construction* - a document issued by the state engineer which recognizes that construction of the works has been in accordance with the permit (19.26.2.7 NMAC) [Added May 2005].
- *Certified Operator* - a person who is certified by the commission as being qualified to operate one of the classifications of public water supply systems or public wastewater facilities (20.7.4.7 NMAC) [Added September 2003].
- *Certified Supervisor* - a person who is certified as an operator by the commission as qualified to operate one of the classifications of water supply systems or wastewater facilities and who performs on-site coordination, direction and inspection of the operation of a public wastewater facility or a public water supply facility (20.7.4.7 NMAC) [Added September 2003].
- *Cesspool* - a "drywell" that receives untreated domestic liquid waste containing human excreta, and which sometimes has an open bottom and/or perforated sides. A large capacity cesspool means a cesspool that receives greater than 2,000 gallons per day of untreated domestic liquid waste (20.6.2.7 NMAC) [Added September 2003].
- *Classified Water of the State* - a surface water of the state, or reach of a surface water of the state, for which the commission has adopted a segment description and has designated a use or uses and applicable water quality criteria in 20.6.4.101 through 20.6.4.899 NMAC (20.6.4.7 NMAC) [Added September 2003; Revised March 2006]
- *Commission* - the New Mexico Water Quality Control Commission (20.6.2.7 NMAC).
- *Community Ditch* - an irrigation ditch managed and maintained by the local community it serves. Acequias and community ditch associations are considered legal subdivisions of the state pursuant to Section 73-2-28 NMSA (19.26.2.7 NMAC) [Added May 2005].
- *Consumptive Use* - the quantity of water consumed during the application of water to beneficial use. The quantity of water beneficially consumed depends on the requirements of a particular enterprise and how it applies and consumes the water. The authorized diversion of water that is not beneficially consumed in the course of water use is not part of the allowable consumptive use allocation of the water right. The consumptive use of water by a crop (evapotranspiration) does not include depletions such as evaporation from canals, ditches or irrigated fields during surface application, transpiration by vegetation along ditches, evaporation or leakage from irrigation water pipes, evaporation of sprinkler spray and drift losses, and evaporation of runoff and seepage from irrigated fields (19.26.2.7 NMAC) [Added May 2005].
- *Cross-connection* - any unprotected actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any contaminant or non-potable substance (20.7.10.7 NMAC) [Added March 2008].

- *Dam* - a man-made barrier constructed across a watercourse or off-channel for the purpose of storage, control, or diversion of water (19.26.2.7 NMAC) [Added May 2005].
- *Discharge Plan* - a description of methods and conditions, including any monitoring and sampling requirements, for the discharge of effluent or leachate which may move directly or indirectly into groundwater (20.6.2.7 NMAC).
- *Distribution System* - pipelines, appurtenances, devices and facilities which carry potable water under pressure to each consumer (20.7.4.7 NMAC).
- *Ephemeral* -when used to describe a surface water of the state means a water body that flows only in direct response to precipitation or snowmelt in the immediate locality; its bed is always above the water table of the adjacent region (20.6.4.7 NMAC) [Added September 2003; Revised March 2006].
- *Fluid* - a material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state (20.6.2.7 NMAC).
- *Groundwater* - interstitial water which occurs in saturate earth material and which is capable of entering a well in sufficient amounts to be utilized as a water supply (20.6.2.7 NMAC).
- *Impoundment* - any man made or modified structure or diversion works intended for the retention or detention of water, including but not limited to livestock water tanks, sumps, spring boxes, subsurface excavations, metal tanks, ponds and dams (19.26.2.7 NMAC) [Added May 2005].
- *Injection* - the subsurface emplacement of fluids through a well (20.6.2.7 NMAC) [Added September 2003].
- *Injection Zone* - a geological formation, group of formations, or part of a formation receiving fluids through a well (20.6.2.7 NMAC) [Added September 2003].
- *Intermittent* - when used to describe a surface water of the state means a water body that contains water only at certain times of the year, such as when it receives flow from springs, melting snow or precipitation (20.6.4.7 NMAC) [Added March 2006].
- *Livestock* - all domestic or domesticated animals that are used or raised on a farm or ranch, including exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervidae. Livestock does not include canine or feline animals (19.26.2.7 NMAC) [Added May 2005].
- *Livestock Water Impoundment* - any impoundment used exclusively for watering livestock (19.26.2.7 NMAC) [Added May 2005].
- *Mine Drill Hole* - a deep narrow hole drilled to explore for or delineate deposits or accumulations of ore, mineral, or rock resources (19.27.4.7 NMAC) [Added March 2006].
- *Modification* - the replacing, changing, installing, adding to, or construction of a component of an existing public water system to increase or decrease the system's capacity to draw or supply water or to improve its performance or service life. Neither routine maintenance nor the replacement of electrical or mechanical equipment is a modification for purposes of Part (20.7.10.7 NMAC) [Revised March 2008].
- *Modify* -
 1. to change the method of liquid waste disposal
 2. to enlarge the liquid waste system
 3. to alter the horizontal or vertical location of the liquid waste system

4. to increase the amount of design flow received by the liquid waste system above the original design flow
 5. to remove or replace component materials in a disposal system (20.7.3.7 NMAC).
- *Non-public Water System* - a system for the provision of water for human consumption for domestic purposes, if such system does not have at least 15 service connections and does not regularly serve an average of 25 individuals at least 60 days out of the year (20.7.10.7 NMAC) [Added September 2003].
 - *Operational Area* - a geographic area defined in a project discharge plan where a group of wells or well fields in close proximity comprise a single in situ extraction well operation (20.6.2.7 NMAC).
 - *Operator* - any person employed by the owner as the person responsible for the operation of all or any portion of a public water supply system or public wastewater facility (NOTE: Not included in this definition are such persons as directors of public works, city engineers, city managers, or other officials or persons whose duties do not include actual operation or direct supervision of public water supply systems or public wastewater facilities.) (20.7.4.7 NMAC).
 - *Packer* - a device lowered into a well to produce a fluid-tight seal within the casing (20.6.2.7 NMAC) [Added September 2003].
 - *Perennial Stream* - a stream or reach of a stream that flows continuously throughout the year. Under extreme conditions such as severe drought some streams considered perennial may not contain water (19.26.2.7 NMAC) [Added May 2005].
 - *Permit* - a document issued by the state engineer that authorizes the diversion of water from a specific point of diversion, for a particular beneficial use, and at a particular place of use, in accordance with the conditions of approval. A permit allows the permittee to develop a water right through the application of water to beneficial use, in conformance with the permit's conditions of approval. A permit in itself does not constitute a water right (19.26.2.7 NMAC) [Added May 2005].
 - *Point of Diversion* - the location of constructed works where water is diverted from a stream, watercourse, or well (19.26.2.7 NMAC) [Added May 2005].
 - *Population Served* - actual or estimated maximum number of persons served by the public water supply system or public wastewater facility (20.7.4.7 NMAC).
 - *Private Water Supply System* - a system for the provision to the public of water for human consumption or domestic purposes through pipes or other constructed conveyances if the system has at least 15 service connections or regularly serves an average of at least 25 individuals at least 60 days of the year and includes any water supply source and any treatment, storage and distribution facilities under control of the operator of the system (20.7.4.7 NMAC).
 - *Rate of Diversion* - the instantaneous measurement of water being taken from a stream, watercourse, or well (19.26.2.7 NMAC) [Added May 2005].
 - *Recharge Well* - a well used to inject fluids for the replenishment of groundwater, including use to reclaim or improve the quality of existing groundwater, or to eliminate subsidence associated with the overdraft of fresh water (20.6.2.7 NMAC).
 - *Sanitary Survey* - onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water. A sanitary survey evaluates at least nine components: source; treatment; distribution system; finished water storage; pumps; pump facilities and controls;

monitoring and reporting and data verification; system management and operation; and operator compliance with state requirements (20.7.10.7 NMAC) [Added March 2008].

- *Secretary or Director* - the secretary of the New Mexico Department of Environment or the director of a constituent agency designated by the commission (20.6.2.7 NMAC) [Added September 2003].
- *Septic Tank* - liquid waste treatment units designed to provide primary treatment and anaerobic treatment prior to disposal (20.7.3.7 NMAC) [Added September 2003].
- *Service Connection* - a pipe, hose, appurtenance, constructed conveyance or any other temporary or permanent connection between a public water system and a user (20.7.10.7 NMAC).
- *Spring* - a site where surface water flows freely from the ground under natural conditions. The flow at land surface may be perennial or intermittent in nature (19.26.2.7 NMAC) [Added May 2005].
- *State* - the New Mexico Environment Department when used in 40 CFR Part 141, in lieu of the meaning set forth in 40 CFR section 141.2 (20.7.10.7 NMAC) [Added September 2003].
- *Stream System* - the surface waters of a river or stream and all groundwater hydrologically connected to those surface waters (19.26.2.7 NMAC) [Added May 2005].
- *Surface Water* - Water found in any watercourse including impoundments, ponds, lakes, reservoirs, springs, streams and rivers or flows obtained from an infiltration gallery (19.26.2.7 NMAC) [Added May 2005].
- *Surface Water(s) of the State* - all surface waters situated wholly or partly within or bordering upon the state, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, reservoirs or natural ponds. Surface waters of the state also means all tributaries of such waters, including adjacent wetlands, any manmade bodies of water that were originally created in surface waters of the state or resulted in the impoundment of surface waters of the state, and any "waters of the United States" as defined under the Clean Water Act that are not included in the preceding description. Surface waters of the state does not include private waters that do not combine with other surface or subsurface water or any water under tribal regulatory jurisdiction pursuant to Section 518 of the Clean Water Act. Waste treatment systems, including treatment ponds or lagoons designed and actively used to meet requirements of the Clean Water Act (other than cooling ponds as defined in 40 CFR Part 423.11(m) that also meet the criteria of this definition), are not surface waters of the state, unless they were originally created in surface waters of the state or resulted in the impoundment of surface waters of the state (20.6.4.7 NMAC).
- *Toxic Pollutant* - a water contaminant or combination of water contaminants in concentration(s) which, upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains, will unreasonably threaten to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit. As used in this definition, injuries to health include death, histopathologic change, clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions, or physical deformations in such organisms or their offspring. In order to be considered a toxic pollutant, a contaminant must be one or a combination of the potential toxic pollutants listed below and at a concentration shown by scientific information currently available to the public to have potential for causing one or more of the effects listed above. Any water contaminant or combination of the water contaminants in the list below, creating a lifetime risk of more than one cancer per 100,000 exposed persons, is a toxic pollutant (20.6.2.7 NMAC) [Added September 2003; Revised May 2005]:
 - acrolein
 - acrylonitrile
 - aldrin
 - benzene
 - benzidine

- carbon tetrachloride
- chlordane
- chlorinated benzenes
 - monochlorobenzene
 - hexachlorobenzene
 - pentachlorobenzene
- 1,2,4,5-tetrachlorobenzene
- chlorinated ethanes
 - 1,2-dichloroethane
 - hexachloroethane
 - 1,1,2,2-tetrachloroethane
 - 1,1,1-trichloroethane
 - 1,1,2-trichloroethane
- chlorinated phenols
 - 2,4-dichlorophenol
 - 2,4,5-trichlorophenol
 - 2,4,6-trichlorophenol
- chloroalkyl ethers
 - bis (2-chloroethyl) ether
 - bis (2-chloroisopropyl) ether
 - bis (chloromethyl) ether
- chloroform
- DDT
- dichlorobenzene
- dichlorobenzidine
- 1,1-dichloroethylene
- dichloropropenes
- dieldrin
- diphenylhydrazine
- endosulfan
- endrin
- ethylbenzene
- halomethanes
 - bromodichloromethane
 - bromomethane
 - chloromethane
 - dichlorodifluoromethane
 - dichloromethane
 - tribromomethane
 - trichlorofluoromethane
- heptachlor
- hexachlorobutadiene
- hexachlorocyclohexane (HCH)
 - alpha-HCH
 - beta-HCH
 - gamma-HCH
 - technical HCH
- hexachlorocyclopentadiene
 - high explosive (HE)
 - 2,4-dinitrotoluene (2,4,DN)
 - 2,6-dinitrotoluene (2,6,DN)
 - octahydro-1,3,5,7-tetranitro-1,3,7 tetrazocine (HMX)
 - hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)
 - 2,4,6-trinitrotoluene (TNT)

- isophorone
- methyl tertiary butyl ether
- nitrobenzene
- nitrophenols
 - 2,4-dinitro-o-cresol
 - dinitrophenols
- nitrosamines
 - N-nitrosodiethylamin
 - N-nitrosodimethylamine
 - N-nitrosodibutylamine
 - N-nitrosodiphenylamine
 - N-nitrosopyrrolidine
- pentachlorophenol
- perchlorate
- phenol
- phthalate esters
 - dibutyl phthalate
 - di-2-ethylhexyl phthalate
 - diethyl phthalate
 - dimethyl phthalate
- polychlorinated biphenyls (PCB's)
- polynuclear aromatic hydrocarbons (PAH)
 - anthracene
 - 3,4-benzofluoranthene
 - benzo (k) fluoranthene
 - fluoranthene
 - fluorene
 - phenanthrene
 - pyrene
- tetrachloroethylene
- toluene
- toxaphene
- trichloroethylene
- vinyl chloride
- xylenes
 - o-xylene
 - m-xylene
 - p-xylene
- 1,1-dichloroethane
- ethylene dibromide (EDB)
- cis-1,2-dichloroethylene
- trans-1,2-dichloroethylene
- naphthalene
- 1-methylnaphthalene
- 2-methylnaphthalene
- benzo-a-pyrene.

- *Underground Injection Control Well Classifications -*

A. Underground injection control wells include the following (20.6.2.5002(A) NMAC):

1. Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids.
2. Any septic tank or cesspool used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste.
3. Any subsurface distribution system, cesspool or other well which is used for the injection of wastes.

B. Underground injection control wells are classified as follows (20.6.2.5002(B) NMAC):

1. Class I wells inject fluids beneath the lowermost formation that contains 10,000 milligrams per liter or less TDS. Class I hazardous or radioactive waste injection wells inject fluids containing any hazardous or radioactive waste as defined in 74-4-3 and 74-4A-4 NMSA 1978, including any combination of these wastes. Class I non-hazardous waste injection wells inject non-hazardous and non-radioactive fluids, and they inject naturally-occurring radioactive material (NORM) as provided by Section 20.3.1.1407 NMAC.
2. Class II wells inject fluids associated with oil and gas recovery.
3. Class III wells inject fluids for extraction of minerals or other natural resources, including sulfur, uranium, metals, salts or potash by in situ extraction. This classification includes only in situ production from ore bodies that have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V.
4. Class IV wells inject fluids containing any radioactive or hazardous waste as defined in 74-4-3 and 74-4A-4 NMSA 1978, including any combination of these wastes, above or into a formation that contains 10,000 mg/l or less TDS.
5. Class V wells inject a variety of fluids and are those wells not included in Class I, II, III or IV. Types of Class V wells include, but are not limited to, the following:
 - a. Domestic liquid waste injection wells
 - i. domestic liquid waste disposal wells used to inject greater than 2,000 gallons per day of treated domestic liquid waste through subsurface fluid distribution systems or vertical wells;
 - ii. septic system wells used to emplace greater than 2,000 gallons per day of domestic liquid waste into the subsurface, which are comprised of a septic tank and subsurface fluid distribution system;
 - iii. large capacity cesspools used to inject greater than 2,000 gallons per day of domestic liquid waste, including drywells that sometimes have an open bottom and/or perforated sides.
 - b. Industrial waste injection wells
 - i. air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling;
 - ii. dry wells used for the injection of wastes into a subsurface formation;
 - iii. geothermal energy injection wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electrical power;
 - iv. stormwater drainage wells used to inject storm runoff from the surface into the subsurface;
 - v. motor vehicle waste disposal wells that receive or have received fluids from vehicular repair or maintenance activities;
 - vi. car wash waste disposal wells used to inject fluids from motor vehicle washing activities.
 - c. Mining injection wells
 - i. stopes leaching wells used for solution mining of conventional mines;
 - ii. brine injection wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;
 - iii. backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether water injected is a radioactive waste or not;
 - iv. injection wells used for in situ recovery of lignite, coal, tar sands, and oil shale.
 - d. Ground water management injection wells
 - i. ground water remediation injection wells used to inject contaminated ground water that has been treated to ground water quality standards;
 - ii. in situ ground water remediation wells used to inject a fluid that facilitates vadose zone or ground water remediation.
 - iii. recharge wells used to replenish the water in an aquifer, including use to reclaim or improve the quality of existing ground water;
 - iv. barrier wells used to inject fluids into ground water to prevent the intrusion of saline or contaminated water into ground water of better quality;

- v. subsidence control wells (not used for purposes of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
 - vi. wells used in experimental technologies.
 - e. Agricultural injection wells - drainage wells used to inject fluids into ground water to prevent the intrusion of saline or contaminated water into ground water of better quality.
- *Water Contaminant* - any substance that could alter if discharged or spilled the physical, chemical, biological, or radiological qualities of water. "Water contaminant" does not mean source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, but may include all other radioactive materials, including but not limited to radium and accelerator-produced isotopes (20.6.4.7 NMAC).
 - *Water Right* - the legal right to appropriate water for a specific beneficial use. The elements of a water right generally include owner, point of diversion, place of use, purpose of use, priority date, amount of water, periods of use, and any other element necessary to describe the right. A permitted or declared right is considered to be a valid water right only to the extent water has been legally placed to beneficial use (19.26.2.7 NMAC) [Added May 2005].
 - *Watercourse* - any surface river, creek, arroyo, draw, canal, or wash, or any other channel having definite banks and beds with visible evidence of the flow of water (20.7.3.7 NMAC).
 - *Well* - (20.6.2.7 NMAC) [Added September 2003]:
 1. A bored, drilled, or driven shaft;
 2. A dug hole whose depth is greater than the largest surface dimension;
 3. An improved sinkhole; or
 4. A subsurface fluid distribution system.
 - *Well* - a bore hole, cased or screened bore hole, or other hydraulic structure that is drilled, driven, or dug with the intent of penetrating a saturated geologic unit. The intended use may be for developing a source of water supply, for monitoring water levels, for monitoring water quality, for exploratory purposes, for water remediation, for injection of water, for geothermal purposes, or for other purposes (19.27.4.7 NMAC) [Added March 2006].
 - *Well Drilling, Well Drilling Activities* - the activities associated with the drilling of a well, including, but not limited to, the construction, drilling, completion, repair, deepening, cleaning, plugging, and abandonment of a well (19.27.4.7 NMAC) [Added March 2006].

**WATER QUALITY MANAGEMENT
GUIDANCE FOR NEW MEXICO CHECKLIST USERS**

REFER TO CHECKLIST ITEMS:

Missing Checklist Items	WQ.2.1.NM.
State-Specific Requirements	
Permits/Notifications/Exemptions	WQ.5.1.NM.
Operators	WQ.6.1.NM. and WQ.6.2.NM.
Public Water Systems	
General	WQ.10.1.NM. through WQ.10.9.NM.
Monitoring/Sampling	WQ.15.1.NM.
Disinfection and Filtration	WQ.20.1.NM.
Notification and Reporting Requirements	WQ.30.1.NM.
Community Water Systems	
Standards	[Deleted]
Notification and Reporting Requirements	[Deleted]
Noncommunity Water Systems	[Deleted]
Nontransient Noncommunity Water Systems	
Standards	[Deleted]
Notification and Reporting Requirements	WQ.79.1.NM. through WQ.79.3.NM.
State-Specific Categories of Water Systems	[Deleted]
Drinking Water Well	WQ.90.1.NM. through WQ.90.7.NM.
Miscellaneous Wells	WQ.100.1.NM. through WQ.100.10.NM.
Underground Injection Control	
All Wells	WQ.109.1.NM. through WQ.109.4.NM.
Class I Wells	WQ.110.1.NM. through WQ.110.6.NM.
Class III Wells	WQ.112.1.NM. through WQ.112.7.NM.
Class V Wells	WQ.114.1.NM.
Water Quality Standards	WQ.115.1.NM. and WQ.115.2.NM.
Water Use Permits	WQ.120.1.NM. through WQ.120.3.NM.

GUIDANCE FOR NEW MEXICO APPENDIX USERS

REFER TO APPENDIX NUMBERS:

REFER TO APPENDIX TITLES:

13-1	[Deleted]
13-2	Standards Applicable to Attainable or Designated Uses
13-3	Standards for Ground Water of 10,000 mg/l Total Dissolved Solids (TDS) Concentration or Less
13-4	Exemptions from Discharge Permit Requirement
13-5	General Standards for Surface Waters
13-6	Levels of Certification For Operators Of Public Water Supply Systems

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WQ.2.</p> <p>MISSING CHECKLIST ITEMS</p> <p>WQ.2.1.NM. Federal facilities are required to comply with all applicable state regulatory requirements not contained in this checklist (a finding under this checklist item will have the citation of the applied regulation as a basis of finding).</p>	<p>Determine whether any new regulations have been issued since the finalization of the manual.</p> <p>Determine whether the Federal facility has activities or facilities that are regulated but not addressed in the checklists.</p> <p>Verify that the Federal facility is in compliance with all applicable and newly issued regulations.</p>

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
STATE-SPECIFIC REQUIREMENTS WQ.5. Permits/ Notifications/ Exemptions WQ.5.1.NM. Written approval from the Department is required before undertaking a public water system project (20.7.10.200 NMAC and 20.7.10.201(I), (K), and (L) NMAC) [Revised July 2000; Revised September 2003; Revised March 2008].	<p>Verify that a facility first obtains written approval from the Department before undertaking a public water system project.</p> <p>(NOTE: Approval from the Department is not necessary for the following public water system projects:</p> <ul style="list-style-type: none"> - a modification that involves the replacement or construction of less than 1,000 feet of distribution piping and appurtenances during any 60 calendar day period - a modification that involves the replacement or construction of only distribution lines and appurtenances, pump stations, or pressure regulating facilities for which the public water system employs a water utility staff that includes, either by contract or direct employment, a professional engineer registered in New Mexico who is responsible for the project - on-going operation and maintenance procedures; the following activities are considered to be on-going operation and maintenance procedures: <ul style="list-style-type: none"> - pipeline leak repair - replacement of existing deteriorated pipeline where the new pipeline segment is the same size and alignment as the pipeline to be replaced - distribution pipeline additions where the pipeline size is the same as the main supplying the addition, the length is less than 500 feet and contiguous segments of new pipe total less than 1,000 feet in any sixty calendar day period - entry into a drinking water storage facility for the purposes of cleaning and maintenance - the replacement of chemical feed pumps and associated appurtenances - the replacement of electrical or mechanical equipment in an existing public water supply system - replacement of equipment or pipeline appurtenances with the same type, size and rated capacity (fire hydrants, valves, pressure regulators, meters, service laterals, chemical feeders and booster pumps including deep well pumps). <p>(NOTE: The plan approval requirement may be waived for transmission, storage, and distribution projects proposed for implementation that are certified to be in conformance with a "master design plan" previously approved by the department.)</p> <p>Verify that the facility notifies the Department in writing when work on the public</p>

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	<p>water system project is initiated.</p> <p>Verify that all construction field change not provided for in a project's approved plans and specifications and that constitutes a material change to the originally approved project design are approved by the Department before the field change is initiated.</p> <p>Verify that the facility submits records or as-built plans and certification of project completion to the Department within 90 days after completion of the project.</p>

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STATE-SPECIFIC REQUIREMENTS WQ.6. Operators WQ.6.1.NM. Public water systems must employ certified operators (20.7.4.20 (A) NMAC) [Revised September 2003; Revised March 2007]. WQ.6.2.NM. The names of certified operators and certified supervisors must be submitted to the Department (20.7.4.20(C) NMAC) [Revised September 2003; Citation Revised March 2007].	<p>Verify that operations and maintenance of all or any part of a public water system are performed by, or under the direct supervision of a certified operator.</p> <p>Verify that the certified operator or certified supervisor holds certification in a class equal to, or greater than, the classification of the system or facility.</p> <p>(NOTE: See Appendix 13-6 for public operator certifications.)</p> <p>Verify that the names of the certified operators and certified supervisors employed by a public water system are submitted to the Department.</p> <p>Verify that the owner of the public water system notifies the Department in writing within 10 days after the replacement of a certified operator or certified supervisor.</p>

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<p>emergency notification and operating requirements (20.7.10.400 (E) and (M) NMAC) [Revised September 2003].</p>	<p>water immediately notifies the Department and takes appropriate action.</p> <p>Verify that the supplier of water notifies the Department whenever the safety of a supply is endangered for any reason.</p> <p>Verify that public water systems comply with the utility operator certification requirements in the Utility Operator Certification Act, NMSA 1978, 61-33-1 et seq. as amended, and in regulations and program requirements adopted pursuant to the Safe Drinking Water Act.</p>
<p>WQ.10.3.NM. Cross-connections to a public water system or within a public water system are prohibited (20.7.10.400(L) NMAC) [Revised September 2003].</p>	<p>Verify that cross-connections to a public water system or within a public water system do not occur unless the public water system is protected by a device or method approved by the Department to prevent the back flow of water.</p>
<p>WQ.10.4.NM. [Deleted September 2003].</p>	<p>(NOTE: Regulations repealed.)</p>
<p>WQ.10.5.NM. [Deleted September 2003].</p>	<p>(NOTE: Regulations repealed.)</p>
<p>WQ.10.6.NM. [Deleted September 2003].</p>	<p>(NOTE: Regulations repealed.)</p>
<p>WQ.10.7.NM. [Deleted September 2003].</p>	<p>(NOTE: Moved to WQ.6.1.NM., September 2003.)</p>
<p>WQ.10.8.NM. [Deleted September 2003].</p>	<p>(NOTE: Moved to WQ.6.1.NM., September 2003.)</p>
<p>WQ.10.9.NM. [Deleted]</p>	<p>(NOTE: Moved to WQ.6.2.NM., September 2003.)</p>

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<p>PUBLIC WATER SYSTEMS</p> <p>WQ.15. Monitoring/Sampling</p> <p>WQ.15.1.NM. Public water systems must meet sampling requirements (20.7.10.500 NMAC) [Added September 2003; Revised March 2008].</p>	<p>(NOTE: The Department will test non-transient non-community water systems for arsenic, fluoride, and radionuclides.)</p> <p>Verify that non-community water systems comply with the reporting and public notification requirements for community water systems requirements for arsenic, fluoride and radionuclides, as set forth in 40 CFR Subpart Q.</p> <p>Verify that a supplier of water begins routine sampling in accordance with 40 CFR Part 141 within 90 days after commencing operation of a public water system.</p> <p>Verify that all public water systems conduct sampling at the rates set forth in 40 CFR Part 141, Subpart C, except that non-transient non-community systems conduct continuous sampling at the same rates as like-sized community water systems in 40 CFR 141.21(a)(2).</p> <p>(NOTE: The department may order a supplier of water, when necessary, to conduct more frequent sampling than is required under 40 CFR Part 141.)</p> <p>(NOTE: The department may order a public water system that uses two or more water sources to collect special purpose samples directly from the water sources, in addition to routine samples from sampling points as required under 40 CFR Part 141.)</p>

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<p>PUBLIC WATER SYSTEMS</p> <p>WQ.20. Disinfection and Filtration</p> <p>WQ.20.1.NM. Public water supply systems must comply with disinfection requirements (20.7.10.400 (F) through (J) NMAC) [Added September 2003; Revised March 2008].</p>	<p>Verify that, following the completion of a public water system project requiring Department approval, any part or component of the system that has undergone construction or modification is flushed, disinfected, and sampled for the presence of bacterial contaminants.</p> <p>Verify that disinfection following the completion of a public water system project requiring Department approval occurs prior to providing water to the public.</p> <p>Verify that any part or component of a public water system that has undergone repair, construction or modification not requiring department approval is flushed, disinfected and sampled in accordance with the current editions of the standards for disinfecting water mains, American water works association; standards for disinfection of wells, American water works association; standards for disinfection of water-storage facilities, American water works association; and standards for disinfection of water treatment plants, American water works association.</p> <p>Verify that a public water system operating on a seasonal basis is flushed and disinfected following the non-use period.</p> <p>Verify that a public water system operating on a seasonal basis conducts special sampling to demonstrate the absence of bacterial contaminants in the system prior to providing drinking water to the public.</p> <p>Verify that, during the public water system's non-use period, the public water system is maintained to prevent unauthorized entry to and contamination of the water supply.</p> <p>Verify that all materials used to re-coat or repair the interior of water storage structures are suitable for potable water contact.</p> <p>Verify that after the interior of a storage structure has undergone maintenance or re-coating, the storage structure is flushed and disinfected.</p> <p>Verify that a public water system does not use iodine as a disinfectant.</p>

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<p>PUBLIC WATER SYSTEMS</p> <p>WQ.30. Notification and Reporting Requirements</p> <p>WQ.30.1.NM. Public water supply systems must comply with public notification requirements (20.7.10.600 (B) and (C) NMAC) [Added September 2003].</p>	<p>Verify that, if routine coliform samples indicate the presence of bacterial contamination, a supplier of water notifies persons served by the public water system to boil water used for drinking or culinary purposes.</p> <p>(NOTE: This requirement applies when routine coliform samples indicate the presence of bacterial contamination which would not otherwise trigger the public notice requirements set forth at 40 Subpart Q but which, in the judgment of the Department, poses a threat to public health and safety.)</p> <p>Verify that if the safety of a water supply is endangered for any reason, the supplier of water notifies persons served by the public water system of appropriate action to protect themselves against any waterborne hazards.</p>

<p align="center">COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement</p>		
<p align="center">REGULATORY REQUIREMENTS:</p>	<p align="center">REVIEWER CHECKS: March 2010</p>	
<p>COMMUNITY WATER SYSTEMS</p> <p>WQ.35. Standards</p>		
<p>WQ.35.1.NM. [Deleted September 2003].</p>	<p>(NOTE: Regulations repealed.)</p>	
<p>WQ.35.2.NM. [Deleted August 1998].</p>	<p>(NOTE: Equivalent to the Federal.)</p>	

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COMMUNITY WATER SYSTEMS WQ.45. Notification And Reporting Requirements WQ.45.1.NM. [Deleted (NOTE: Equivalent to the Federal.) August 1998]. WQ.45.2.NM. [Deleted (NOTE: Regulations repealed.) September 2003]. WQ.45.3.NM. [Deleted (NOTE: Regulations repealed.) September 2003]. WQ.45.4.NM. [Deleted (NOTE: Equivalent to the Federal.) August 1998].		

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WQ.60. NONCOMMUNITY WATER SYSTEMS WQ.60.1.NM. [Deleted September 2003].	(NOTE: Regulations repealed.)

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NONTRANSIENT NONCOMMUNITY WATER SYSTEMS WQ.76. Standards WQ.76.1.NM. [Deleted September 2003].		(NOTE: Regulations repealed.)

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NONTRANSIENT NONCOMMUNITY WATER SYSTEMS WQ.79. Notification and Reporting Requirements WQ.79.1.NM. Nontransient, noncommunity water systems must notify the public of possible arsenic, radionuclides, or fluoride contamination of drinking water (20.7.10.600(A) NMAC) [Revised September 2003; Revised March 2008]. WQ.79.2.NM. [Deleted September 2003]. WQ.79.3.NM. [Deleted August 1998].	<p>Verify that a nontransient noncommunity water system that exceeds the maximum contaminant level (MCL) for arsenic or radionuclides set forth at 40 CFR 141.62 and 141.66, or exceeds one-half the MCL for fluoride set forth at 40 CFR 141.62 complies with the public notification requirements set forth at 40 CFR Subpart Q.</p> <p>(NOTE: Regulations revised.)</p> <p>(NOTE: Equivalent to the Federal.)</p>

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WQ.85. STATE-SPECIFIC CATEGORIES OF WATER SYSTEMS WQ.85.1.NM. [Deleted September 2003].	(NOTE: Regulations repealed.)

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<p>WQ.90.</p> <p>DRINKING WATER WELL</p> <p>WQ.90.1.NM. Public water system wells must meet specific requirements to protect the water supply (20.7.10.400(C) NMAC) [Citation Revised September 2003].</p> <p>WQ.90.2.NM. Any person who engages in the business of well drilling must obtain a well driller license (19.27.4.2 NMAC and 19.27.4.8 NMAC) [Added March 2006].</p> <p>WQ.90.3.NM. Drilling wells must meet general requirements (19.27.4.29 (A), (J) and (K) NMAC) [Added March 2006].</p>	<p>Verify that a ground water supply well serving a public water system has a sanitary seal installed at the wellhead to protect against entry of storm water and other non-potable fluids or foreign materials and against access by insects, rodents, birds or other vermin.</p> <p>Verify that the vents of a public water system well are screened with a fine corrosion-resistant screen (24 mesh or smaller).</p> <p>Verify that all cracks, joints or other openings at the wellhead and all penetrations to the casing at or near the ground surface are tightly sealed with an impermeable material.</p> <p>(NOTE: This checklist item applies to well drilling within the state of New Mexico, including mine drill holes that encounter water. These rules do not apply to oil wells, gas wells, or cathodic protection wells.)</p> <p>Verify that any person who engages in the business of well drilling within the state of New Mexico obtains a well driller license issued by the state engineer.</p> <p>(NOTE: A well driller license is not required for driven wells that do not require the use of a drill rig and which have an outside casing diameter of 2 and 3/8 inches or less. A well driller license is not required for work on pumping equipment.)</p> <p>(NOTE: This item is repeated in WQ.100.4.NM.)</p> <p>Verify that all wells are constructed to prevent contamination, to prevent inter-aquifer exchange of water, to prevent flood waters from contaminating the aquifer, and to prevent infiltration of surface water.</p> <p>Verify that a licensed well driller ensures that an appropriate well permit or emergency authorization has been granted by the state engineer prior to the well drilling.</p> <p>Verify that a licensed well driller or registered drill rig supervisor is present at the drilling site during well drilling.</p>

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<p>WQ.90.4.NM. Well drilling must meet general requirements (19.27.4.29 (B) through (I) NMAC) [Added March 2006].</p>	<p>Verify that, if a well tag is required, the tag is affixed to the well in plain view.</p> <p>Verify that the permit holder maintains the well identification tag.</p> <p>Verify that a missing, damaged, or illegible well identification tag is replaced with a duplicate tag.</p> <p>Verify that the well driller keeps a record of each well drilling activity as the work progresses.</p> <p>Verify that the well driller files a complete well record with the state engineer and the permit holder no later than 20 days after completion of the well drilling.</p> <p>Verify that the well record includes a completed well log.</p> <p>Verify that the well log includes detailed information on the depth and thickness of all strata penetrated, including whether each stratum was water bearing.</p> <p>(NOTE: This item is repeated in WQ.100.5.NM.)</p> <p>Verify that all wells are constructed to prevent contamination, to prevent inter-aquifer exchange of water, to prevent flood waters from contaminating the aquifer, and to prevent infiltration of surface water.</p> <p>Verify that the well drilling activities meet the following requirements:</p> <ul style="list-style-type: none"> - materials used in well drilling conform to industry standards acceptable to the state engineer - materials used in well construction are in new or good condition - only potable water is placed in a well during well drilling - all down-hole equipment is maintained in a clean and sanitary condition to prevent contamination and to protect the public health - all wells are set back a minimum of 50 feet from an existing well of other ownership, unless a variance has been granted by the state engineer - all wells are set back from potential sources of contamination - the top of all well casings extends a minimum of 18 inches above land surface - all vents installed in the well casing are protected against the entrance of foreign material by installation of down-turned and screened "U" bends - all other openings in casings are sealed to prevent entrance of foreign material and flood waters - if a well is completed within a subsurface vault, although not recommended, the casing extends a minimum of 18 inches above the floor of the vault - every well is constructed with a wellhead opening of at least one half (1/2) inch diameter to allow the water level to be measured

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<p>WQ.90.5.NM. Drilling non-artesian wells must meet additional requirements (19.27.4.30 NMAC) [Added March 2006].</p>	<ul style="list-style-type: none"> - a water-tight removable cap or plug is securely placed in the opening - an artesian well that flows at land surface upon completion of the well is equipped with a valve to which a pressure gauge may be attached - a permanent well cap or cover is securely affixed to the well casing upon completion. <p>(NOTE: A concrete pad is recommended on all wells. It is recommended that:</p> <ul style="list-style-type: none"> - the surface area of the concrete pad be a minimum of four (4) square feet - the concrete pad be centered around the well - the pad be at least four (4) inches in thickness and slope away from the well - when surface casing is used, the surface pad should seal the top of the annular space between the production casing and the surface casing.) <p>Verify that during well drilling, a well is securely covered or capped unless a licensed well driller or registered drill rig supervisor is on-site attending to the well.</p> <p>Verify that, if a well tag is required, the tag is affixed to the well in plain view.</p> <p>Verify that the well driller keeps a record of each well drilling activity as the work progresses.</p> <p>Verify that the well driller files a complete well record with the state engineer and the permit holder no later than 20 days after completion of the well drilling.</p> <p>(NOTE: This item is repeated in WQ.100.6.NM.)</p> <p>(NOTE: These requirements are in addition to WQ.100.3.NM. and WQ.100.4.NM.)</p> <p>Verify that all wells are constructed to prevent contaminants from entering the hole from the land surface by sealing the annular space around the outermost casing.</p> <p>Verify that wells which encounter non-potable, contaminated, or polluted water at any depth have the well annulus sealed and the well properly screened to prevent the commingling of the undesirable water with any potable or uncontaminated water.</p> <p>Verify that community water supply wells are completed with annular seals in accordance with New Mexico environment department regulations and other applicable ordinances or regulations.</p> <p>Verify that a non-artesian well that is abandoned or not properly constructed is</p>

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<p>WQ.90.6.NM. Drilling artesian wells must meet additional requirements (19.27.4.31 NMAC) [Added March 2006].</p>	<p>immediately plugged.</p> <p>Verify that a plan for plugging the well is filed with-and approved by-the state engineer prior to plugging.</p> <p>Verify that a licensed well driller keeps a record of each well plugged as the work progresses and files a complete plugging record with the state engineer and the permit holder no later than 20 days after completion of the plugging.</p> <p>(NOTE: This item is repeated in WQ.100.7.NM.)</p> <p>(NOTE: These requirements are in addition to WQ.100.3.NM. and WQ.100.4.NM.)</p> <p>Verify that no artesian well is constructed that allows ground water to flow uncontrolled to the land surface or move appreciably between geologic units.</p> <p>(NOTE: For regulatory purposes, the determination of whether a well is artesian shall be made by the state engineer.)</p> <p>Verify that a plan of operations is approved by the state engineer before the drilling of any artesian well.</p> <p>Verify that the casing, cementing, plugging, and testing of an artesian well is witnessed by an authorized representative of the state engineer.</p> <p>Verify that, when an artesian well is in need of repair, the permittee or owner of the land upon which the well is located provides a plan of operations to the state engineer.</p> <p>Verify that, before repairs are made to an artesian well, the well is first inspected by an authorized representative of the state engineer to determine if the condition of the well is such that it may be repaired.</p> <p>Verify that an artesian well that is abandoned or not properly constructed is immediately plugged.</p> <p>Verify that a plan of operation is submitted prior to plugging an artesian well and is witnessed by an authorized representative of the state engineer.</p> <p>(NOTE: This item is repeated in WQ.90.6.100.8.NM.)</p>
<p>WQ.90.7.NM. Use of public underground waters for</p>	<p>Verify that a permit is issued by the state engineer prior to using public</p>

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<p>domestic uses or drinking and sanitary uses incidental to the operation of governmental, commercial, or non-profit facilities require a permit (19.27.5.9 NMAC) [Added March 2007].</p>	<p>underground waters for domestic use.</p> <p>Verify that the diversion of water from a domestic well permitted for drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facility does not exceed 1.0 acre-foot per annum.</p> <p>(NOTE: The state engineer shall not issue a permit for drinking and sanitary uses that are incidental to the operations of a governmental, commercial, or non-profit facilities unless the applicant demonstrates that no alternative water supply is reasonably accessible or available. Water must not be used under this well permit for any commercial use such as the manufacture of a product, car wash, water bottling, concrete batching, or the irrigation of crops grown for commercial sale.)</p>

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WQ.100. MISCELLANEOUS WELLS		
WQ.100.1.NM. [Deleted September 2003].		(NOTE: Regulations revised.)
WQ.100.2.NM. [Deleted September 2003].		(NOTE: Regulations revised.)
WQ.100.3.NM. [Deleted September 2003].		(NOTE: Regulations revised.)
WQ.100.4.NM. Any person who engages in the business of well drilling must obtain a well driller license (19.27.4.2 and 19.27.4.8 NMAC) [Added March 2006].		<p>(NOTE: This checklist item applies to well drilling within the state of New Mexico, including mine drill holes that encounter water. These rules do not apply to oil wells, gas wells, or cathodic protection wells.)</p> <p>Verify that any person who engages in the business of well drilling within the state of New Mexico obtains a well driller license issued by the state engineer.</p> <p>(NOTE: A well driller license is not required for driven wells that do not require the use of a drill rig and which have an outside casing diameter of 2 and 3/8 inches or less. A well driller license is not required for work on pumping equipment.)</p> <p>(NOTE: This item is repeated in WQ.90.2.NM.)</p>
WQ.100.5.NM. Drilling wells must meet general requirements (19.27.4.29 (A), (J) and (K) NMAC) [Added March 2006].		<p>Verify that all wells are constructed to prevent contamination, to prevent inter-aquifer exchange of water, to prevent flood waters from contaminating the aquifer, and to prevent infiltration of surface water.</p> <p>Verify that a licensed well driller ensures that an appropriate well permit or emergency authorization has been granted by the state engineer prior to the well drilling.</p> <p>Verify that a licensed well driller or registered drill rig supervisor is present at</p>

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<p>WQ.100.6.NM. Well drilling must meet general requirements (19.27.4.29 (B) through (I) NMAC) [Added March 2006].</p>	<p>the drilling site during well drilling.</p> <p>Verify that, if a well tag is required, the tag is affixed to the well in plain view.</p> <p>Verify that the permit holder maintains the well identification tag.</p> <p>Verify that a missing, damaged, or illegible well identification tag is replaced with a duplicate tag.</p> <p>Verify that the well driller keeps a record of each well drilling activity as the work progresses.</p> <p>Verify that the well driller files a complete well record with the state engineer and the permit holder no later than 20 days after completion of the well drilling.</p> <p>Verify that the well record includes a completed well log.</p> <p>Verify that the well log includes detailed information on the depth and thickness of all strata penetrated, including whether each stratum was water bearing.</p> <p>(NOTE: This item is repeated in WQ.90.3.NM.)</p> <p>Verify that all wells are constructed to prevent contamination, to prevent inter-aquifer exchange of water, to prevent flood waters from contaminating the aquifer, and to prevent infiltration of surface water.</p> <p>Verify that the well drilling activities meet the following requirements:</p> <ul style="list-style-type: none"> - materials used in well drilling conform to industry standards acceptable to the state engineer - materials used in well construction are in new or good condition - only potable water is placed in a well during well drilling - all down-hole equipment is maintained in a clean and sanitary condition to prevent contamination and to protect the public health - all wells are set back a minimum of 50 feet from an existing well of other ownership, unless a variance has been granted by the state engineer - all wells are set back from potential sources of contamination - the top of all well casings extends a minimum of 18 inches above land surface - all vents installed in the well casing are protected against the entrance of foreign material by installation of down-turned and screened "U" bends - all other openings in casings are sealed to prevent entrance of foreign material and flood waters - if a well is completed within a subsurface vault, although not recommended, the casing extends a minimum of 18 inches above the floor of the vault

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<p>WQ.100.7.NM. Drilling non-artesian wells must meet additional requirements (19.27.4.30 NMAC) [Added March 2006].</p>	<ul style="list-style-type: none"> - every well is constructed with a wellhead opening of at least one half (1/2) inch diameter to allow the water level to be measured - a water-tight removable cap or plug is securely placed in the opening - an artesian well that flows at land surface upon completion of the well is equipped with a valve to which a pressure gauge may be attached - a permanent well cap or cover is securely affixed to the well casing upon completion. <p>(NOTE: A concrete pad is recommended on all wells. It is recommended that:</p> <ul style="list-style-type: none"> - the surface area of the concrete pad be a minimum of four (4) square feet - the concrete pad be centered around the well - the pad be at least four (4) inches in thickness and slope away from the well - when surface casing is used, the surface pad should seal the top of the annular space between the production casing and the surface casing.) <p>Verify that during well drilling, a well is securely covered or capped unless a licensed well driller or registered drill rig supervisor is on-site attending to the well.</p> <p>Verify that, if a well tag is required, the tag is affixed to the well in plain view.</p> <p>Verify that the well driller keeps a record of each well drilling activity as the work progresses.</p> <p>Verify that the well driller files a complete well record with the state engineer and the permit holder no later than 20 days after completion of the well drilling.</p> <p>(NOTE: This item is repeated in WQ.90.4.NM.)</p> <p>(NOTE: These requirements are in addition to WQ.100.5.NM. and WQ.100.6.NM.)</p> <p>Verify that all wells are constructed to prevent contaminants from entering the hole from the land surface by sealing the annular space around the outermost casing.</p> <p>Verify that wells which encounter non-potable, contaminated, or polluted water at any depth have the well annulus sealed and the well properly screened to prevent the commingling of the undesirable water with any potable or uncontaminated water.</p> <p>Verify that community water supply wells are completed with annular seals in accordance with New Mexico environment department regulations and other applicable ordinances or regulations.</p>

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<p>WQ.100.8.NM. Drilling artesian wells must meet additional requirements (19.27.4.31 NMAC) [Added March 2006].</p>	<p>Verify that a non-artesian well that is abandoned or not properly constructed is immediately plugged.</p> <p>Verify that a plan for plugging the well is filed with-and approved by-the state engineer prior to plugging.</p> <p>Verify that a licensed well driller keeps a record of each well plugged as the work progresses and files a complete plugging record with the state engineer and the permit holder no later than 20 days after completion of the plugging.</p> <p>(NOTE: This item is repeated in WQ.90.5.NM.)</p> <p>(NOTE: These requirements are in addition to WQ.100.5.NM. and WQ.100.6.NM.)</p> <p>Verify that no artesian well is constructed that allows ground water to flow uncontrolled to the land surface or move appreciably between geologic units.</p> <p>(NOTE: For regulatory purposes, the determination of whether a well is artesian shall be made by the state engineer.)</p> <p>Verify that a plan of operations is approved by the state engineer before the drilling of any artesian well.</p> <p>Verify that the casing, cementing, plugging, and testing of an artesian well is witnessed by an authorized representative of the state engineer.</p> <p>Verify that, when an artesian well is in need of repair, the permittee or owner of the land upon which the well is located provides a plan of operations to the state engineer.</p> <p>Verify that, before repairs are made to an artesian well, the well is first inspected by an authorized representative of the state engineer to determine if the condition of the well is such that it may be repaired.</p> <p>Verify that an artesian well that is abandoned or not properly constructed is immediately plugged.</p> <p>Verify that a plan of operation is submitted prior to plugging an artesian well and is witnessed by an authorized representative of the state engineer.</p> <p>(NOTE: This item is repeated in WQ.90.6.NM.)</p>
<p>WQ.100.9.NM. A permit</p>	<p>Verify that, only when the owner of a well has a valid permit from the state</p>

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<p>must be obtained prior to drilling, deepening, repairing or cleaning a well (19.27.1.17, 19.27.1.20, 19.27.1.21, and 19.27.1.39 NMAC) [Added March 2007].</p> <p>WQ.100.10.NM. An owner of a water right must meet specific requirements to change the location of a well (19.27.1.24 NMAC) [Added March 2007].</p>	<p>engineer for the work, does a licensed well driller drill, deepen, repair, or clean a well within a declared underground basin.</p> <p>Verify that the well is constructed in full compliance with the terms of the permit and the rules and regulations of the state engineer.</p> <p>Verify that, soon as practicable after completing the well and the application of water to the intended use pursuant to the permit, the applicant prepares and files a " final i nspection a nd r eport" in tr iplicate o n forms p rovided b y th e s tate engineer.</p> <p>Verify that the owner of a water right within a declared underground water basin does not change the location of his well without the approval of the state engineer.</p> <p>Verify that the owner of a water right meets the following requirements to drill and use a replacement well within 100 feet of the original well prior to application, publication, and hearing:</p> <ul style="list-style-type: none"> - the well is drilled in the same, and only the same, underground source - the appropriation is of the same amount of water allowed by his water right in the original well - an emergency situation exists which would result in serious economic loss if application, publication and hearing were required - the owner notifies the state engineer office by registered letter prior to drilling; provided he files application for a permit within 30 days after drilling begins. <p>Verify that the owner of a water right meets the following requirements to drill and use a replacement well over 100 feet from his original well upon making application without waiting for the completion of publication and hearing:</p> <ul style="list-style-type: none"> - the well is drilled in the same and only the same underground source - the appropriation is of the same amount of water allowed by his water right in the original well - an emergency situation exists which would result in serious economic loss if publication and hearing were required - the state engineer finds that the change does not impair existing water rights and grants a permit authorizing the drilling and use of the replacement well prior to publication and hearing

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<p>UNDERGROUND INJECTION CONTROL (UIC)</p> <p>WQ.109. All Wells</p> <p>WQ.109.1.NM. Underground injection of fluids into a well requires filing of a Notice of Intent to Discharge (20.6.2.5003 NMAC) [Added September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that any person intending to inject fluids into a well, including a subsurface distribution system, files a Notice of Intent to Discharge with the Ground Water Quality Bureau of the Department.</p> <p>(NOTE: This requirement does not apply when the injection is being made subject to the Liquid Waste Disposal Regulations adopted by the New Mexico Environmental Improvement Board.)</p> <p>Verify that the following information is submitted to the Secretary on the Notice of Intent to Discharge:</p> <ul style="list-style-type: none"> - the name of the person making the discharge - the address of the person making the discharge - the location of the discharge - an estimate of the concentration of water contaminants in the discharge - the quantity of the discharge. <p>Verify that existing UIC wells submit to the Secretary the information required on the Notice of Intent to Discharge.</p> <p>(NOTE: The information on the Notice of Intent to Discharge need not be resubmitted if the information has been previously submitted to, and acknowledged by, the Secretary.)</p> <p>Verify that, for new UIC wells, the operator submits to the Secretary the Notice of Intent to Discharge information at least 120 days prior to well construction.</p> <p>Verify that all operators of UIC wells operate and continue to operate in conformance with Part 2, Ground and Surface Water Protection, of Chapter 6 in Title 20 NMAC (20.6.2.1 through 20.6.2.5299 NMAC).</p>
<p>WQ.109.2.NM. Underground</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and</p>

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<p>injection control wells must meet permit requirements (20.6.2.3106 and 20.6.2.3108 NMAC) [Added September 2003].</p>	<p>Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that any person who is discharging any of the water contaminants listed in Appendix 12-2 (see the <i>Waste Water Management</i> chapter), or any toxic pollutant so that they may move directly or indirectly into ground water, applies for a permit from the Department (see WA.5.6.NM. for details).</p> <p>Verify that, within 30 days of submission of an application for discharge permit, modification or renewal, the applicant provides notice to the general public in the locale of the proposed discharge by all of the following methods:</p> <ul style="list-style-type: none"> - prominently posting a synopsis of the public notice, in English and in Spanish, at a conspicuous public location, approved by the Department, at or near the existing or proposed facility for 30 days - providing written notice of the discharge by certified mail, return receipt requested, to owners of record of all adjacent properties - providing notice by certified mail, return receipt requested, to the owner of the discharge site (if the applicant is not the owner.) <p>(NOTE: In lieu of providing written notice of the discharge to owners of record of all adjacent properties, the applicant may publish a synopsis of the notice in a display ad at least 2 inches by 3 inches in a newspaper of general circulation in the location of the proposed discharge.)</p> <p>(NOTE: In lieu of prominently posting a synopsis of the public notice and providing written notice of the discharge to owners of record of all adjacent properties, the applicant may provide notice of the discharge by certified mail, return receipt requested, to property owners of record within 0.5 mile of the discharge site, on a form provided by the Department.)</p> <p>Verify that the notice to the general public includes:</p> <ul style="list-style-type: none"> - the name and address of the proposed discharger - the location of the discharge, including street address, if available, and sufficient information to locate the facility with respect to surrounding landmarks - a brief description of the activities that produce the discharge described in the application - the depth to and total dissolved solids concentration of the ground water beneath the discharge site - the address and phone number within the Department by which interested persons may obtain information, submit comments, and request to be

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<p>WQ.109.3.NM. Certain underground injection activities and injection wells are prohibited (20.6.2.5004, 20.6.2.5005, and 20.6.2.5209 NMAC) [Added September 2003].</p>	<p>placed on a facility-specific mailing list for future notices</p> <ul style="list-style-type: none"> - a statement that the Department will accept comments and statements of interest regarding the application and will create a facility-specific mailing list for persons who wish to receive future notices. <p>Verify that within 15 days of completion of the public notice requirements, the applicant submits to the Department proof of notice, including certified mail receipts and an affidavit of posting, as appropriate.</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that there is no injection of fluids into the following wells:</p> <ul style="list-style-type: none"> - motor vehicle waste disposal wells - large capacity cesspools. <p>Verify that the following wells are prohibited at the facility:</p> <ul style="list-style-type: none"> - motor vehicle waste disposal wells - large capacity cesspools. <p>Verify that any person operating a new motor vehicle waste disposal well or a new large capacity cesspool (for which construction began after 5 April 2000) closes the well or cesspool immediately.</p> <p>Verify that any person operating an existing motor vehicle waste disposal well or an existing large capacity cesspool ceases injection immediately and has closed the well or cesspool by 31 December 2002.</p> <p>Verify that there is no injection of any hazardous or radioactive waste into a well.</p> <p>(NOTE: Exceptions to the ban on injection of hazardous or radioactive waste are as follows:</p> <ul style="list-style-type: none"> - Class I hazardous or radioactive waste injection wells are prohibited, except naturally-occurring radioactive material (NORM) regulated under 20.3.1.1407 NMAC is allowed as a Class I non-hazardous waste injection well - Class IV wells are prohibited, except for wells re-injecting treated ground

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<p>WQ.109.4.NM. Underground injection control wells must comply with closure requirements (20.6.2.5005 NMAC) [Added September 2003].</p>	<p>water into the same formation from which it was drawn as part of a removal or remedial action if the injection has prior approval from the Environmental Protection Agency (EPA) or the Department under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA).)</p> <p>Verify that there are no barrier wells, drainage wells, recharge wells, return flow wells, and motor vehicle waste disposal wells.</p> <p>(NOTE: This requirement does not apply when the discharger can demonstrate that the discharge will not adversely affect the health of persons, and the injection fluid does not contain a contaminant which may cause an exceedance at any place of present or reasonable foreseeable future use of any primary state drinking water maximum contaminant level. This requirement does not apply also when the discharger can demonstrate that the injection will result in an overall or net improvement in water quality as determined by the Secretary.)</p> <p>Verify that the facility conducts closure of prohibited UIC wells in accordance with pre-closure notification and closure requirements (20.6.2.5005 NMAC).</p> <p>Verify that the facility conducts closure of prohibited UIC wells in accordance with the plugging and abandonment requirements for Class I Non-Hazardous Waste Injection Wells and Class III Wells (20.6.2.5209 NMAC).</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that any person proposing to close a Class I, III, IV, or V underground injection control well submits pre-closure notification to the Department at least 30 days prior to closure.</p> <p>Verify that the pre-closure notification includes the following information:</p> <ul style="list-style-type: none"> - name of facility - address of facility - name of owner/operator - address of owner/operator - contact person - phone number

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	<ul style="list-style-type: none"> - type of well(s) - number of well(s) - well construction (e.g. drywell, improved sinkhole, septic tank, leachfield, cesspool, other) - type of discharge - average flow (gallons per day) - year of well construction - proposed well closure activities (e.g. sample fluids/sediment, appropriate disposal of remaining fluids/sediments, remove well and any contaminated soil, clean out well, install permanent plug, conversion to other type well, ground water and vadose zone investigation, other) - proposed date of well closure - name of preparer - date. <p>Verify that proposed well closure activities are approved by the Department prior to implementation.</p>

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<p>UNDERGROUND INJECTION CONTROL (UIC)</p> <p>WQ.110. Class I Wells</p> <p>WQ.110.1.NM. Operations of Class I non-hazardous waste injection wells must comply with discharge permit requirements (20.6.2.5101 (B) and (D), and 20.6.2.5102 (A) NMAC) [Revised September 2003].</p> <p>WQ.110.2.NM. Class I non-hazardous waste injection wells must maintain mechanical integrity (20.6.2.5204 NMAC) [Added September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that a Class I non-hazardous waste injection well is operated according to an approved discharge permit.</p> <p>Verify that, prior to construction of a Class I non-hazardous waste injection well or conversion of an existing well to a Class I non-hazardous waste injection well, the facility obtains a discharge permit.</p> <p>(NOTE: The exemptions from the discharge permit requirement listed in Appendix 13-4 do not apply to Class I non-hazardous waste injection wells except for the following:</p> <ul style="list-style-type: none"> - wells regulated by the Oil Conservation Division under the exclusive authority granted under Section 70-2-12 NMSA 1978 or under other Sections of the "Oil and Gas Act" - wells regulated by the Oil Conservation Division under the "Geothermal Resources Act" - wells regulated by the New Mexico Coal Surface Mining Bureau under the "Surface Mining Act" - wells for the disposal of effluent from systems which receive less than 2,000 gallons per day of domestic sewage effluent and are regulated under the "Liquid Waste Disposal Regulations" (20.7.3 NMAC).) <p>Verify that, prior to well injection and at least once every 5 years during the life of the well, the facility demonstrates that a Class I non-hazardous waste injection well has mechanical integrity.</p> <p>(NOTE: A Class I non-hazardous waste injection well has mechanical integrity if there is no detectable leak in the casing, tubing or packer which the Secretary considers to be significant at maximum operating temperature and pressure; and</p>

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<p>WQ.110.3.NM. Class I non-hazardous waste injection wells must comply with general operating requirements (20.6.2.5206 (A) and (B) NMAC) [Added September 2003].</p>	<p>no detectable conduit for fluid movement out of the injection zone through the well bore or vertical channels adjacent to the well bore which the Secretary considers to be significant.)</p> <p>Verify that to test for evaluation of leaks, the facility monitors annulus pressure (after an initial pressure test with liquid or gas before operation commences), or pressure tests with liquid or gas.</p> <p>Verify that to test for determination of conduits for fluid movement, the facility obtains the results of a temperature or noise log.</p> <p>Verify that other appropriate tests as required by the Secretary are used to demonstrate mechanical integrity of the wells.</p> <p>Verify that in conducting and evaluating the mechanical integrity tests or other tests allowed by the Secretary, the facility applies methods and standards generally accepted in the affected industry.</p> <p>Verify that the facility reports the results of mechanical integrity tests to the Secretary and includes a description of the test(s), the method(s) used, and the test results.</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that the maximum injection pressure at the wellhead does not initiate new fractures or propagates existing fractures in the confining zone, or cause the movement of injection or formation fluids into ground water having 10,000 mg/l or less TDS, except for approved fluid movement.</p> <p>Verify that injection between the outermost casing and the well bore is prohibited in a zone other than the authorized injection zone.</p> <p>Verify that, except during well stimulation, the maximum injection pressure does not initiate new fractures or propagate existing fractures in the injection zone.</p> <p>Verify that the annulus between the tubing and the long string of casing is filled with a fluid approved by the Secretary and a pressure approved by the Secretary</p>

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<p>WQ.110.4.NM. Class I non-hazardous waste injection wells must comply with monitoring requirements (20.6.2.5207 (B) NMAC) [Added September 2003].</p>	<p>is maintained on the annulus.</p> <p>(NOTE: Fluids are usually injected through tubing with a packer set in the annulus immediately above the injection zone. The requirement above does not apply when an alternative to a packer has been approved by the Secretary.)</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that the facility provides analysis of the injected fluids at least quarterly or, if necessary, more frequently to yield data representative of the fluids' characteristics.</p> <p>Verify that continuous monitoring devices are used to provide a record of injection pressure, flow rate, flow volume, and pressure on the annulus between the tubing and the long string of casing.</p> <p>Verify that the facility provide wells within the area of review as required by the discharge permit to be used by the discharger to monitor pressure in, and possible fluid movement into, ground water having 10,000 mg/l or less TDS.</p> <p>(NOTE: This requirement does not apply to ground waters approved by the Secretary as designated aquifers (20.6.2.5103 NMAC).)</p> <p>(NOTE: The requirement for monitoring wells for Class I non-hazardous waste injection wells is applicable only when monitoring wells are necessary due to possible flow paths within the area of review.)</p>
<p>WQ.110.5.NM. Class I non-hazardous waste injection wells must comply with reporting requirements (20.6.2.5208 (A) and (C) NMAC) [Added September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that, within 24 hours, the facility notifies the Secretary of the</p>

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<p>WQ.110.6.NM. Class I non-hazardous waste injection wells must comply with well plugging and abandonment requirements (20.6.2.5209 NMAC) [Added September 2003].</p>	<p>circumstances and actions taken when a Class I non-hazardous waste injection well is found to be discharging or is suspected of discharging fluids into a zone or zones other than the permitted or authorized injection zone.</p> <p>Verify that, after a Class I non-hazardous waste injection well is found to be discharging inappropriately, the facility submits subsequent written reports as required by the Secretary.</p> <p>Verify that the facility provides reports quarterly to the Secretary containing all the following:</p> <ul style="list-style-type: none"> - the physical, chemical and other relevant characteristics of injection fluids - monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure - the results of prescribed monitoring. <p>Verify that the facility reports, no later than the first quarterly report after completion, the results of:</p> <ul style="list-style-type: none"> - periodic tests of required mechanical - any other test of the Class I non-hazardous waste injection well conducted by the discharger if required by the Secretary - any well work-over - any changes within the area of review that might impact subsurface conditions. <p>Verify that all required reports are signed and certified.</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>(NOTE: The facility submits to the Secretary a well plugging and abandonment plan as part of a discharge permit application for a Class I non-hazardous waste injection well.)</p> <p>Verify that, prior to well closure, the facility has an approved well plugging and abandonment plan.</p> <p>(NOTE: The obligation to implement the plugging and abandonment plan as well as the requirements of the plan survives the termination or expiration of the</p>

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	<p>discharge permit.)</p> <p>Verify that prior to abandonment of a well used in a Class I non-hazardous waste injection operation, the facility plugs the well in a manner that will not allow the movement of fluids through the well bore out of the injection zone or between other zones of ground water.</p> <p>Verify that the facility plugs and abandons a Class I non-hazardous waste injection well in accordance with the requirements of an approved plan.</p> <p>Verify that the facility retains all records concerning the nature and composition of injected fluids until 5 years after completion of any plugging and abandonment procedures.</p>

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<p>UNDERGROUND INJECTION CONTROL (UIC)</p> <p>WQ.112. Class III Wells</p> <p>WQ.112.1.NM. Operations of Class III injection wells must comply with discharge permit requirements (20.6.2.5101 (B), (D), and (E) NMAC) [Revised September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that a Class III injection well is operated according to an approved discharge permit.</p> <p>(NOTE: The exemptions from the discharge permit requirement listed in Appendix 13-4 do not apply to Class III injection wells except for the following wells:</p> <ul style="list-style-type: none"> - wells regulated by the Oil Conservation Division under the exclusive authority granted under Section 70-2-12 NMSA 1978 or under other Sections of the "Oil and Gas Act" - wells regulated by the Oil Conservation Division under the "Geothermal Resources Act" - wells regulated by the New Mexico Coal Surface Mining Bureau under the "Surface Mining Act" - wells for the disposal of effluent from systems which receive less than 2,000 gallons per day of domestic sewage effluent and are regulated under the "Liquid Waste Disposal Regulations" (20.7.3 NMAC).) <p>Verify that a facility with a project discharge permit does not commence injection in any individual operational area until the Secretary approves an application for injection in that operational area (operational area approval).</p> <p>(NOTE: A project discharge permit for Class III wells is considered by the Secretary when the wells are all the following:</p> <ul style="list-style-type: none"> - within the same well field, facility site or similar unit - within the same aquifer and ore deposit - of similar construction - of the same purpose - operated by a single owner or operator.)

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<p>WQ.112.2.NM. Class III wells must comply with pre-construction requirements (20.6.2.5102 (B) NMAC) [Revised September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that the facility notifies the Secretary in writing prior to the commencement of drilling or construction of Class III wells that are expected to be used for in situ extraction.</p> <p>(NOTE: This requirement does not apply if the discharger has previously received a discharge permit or project discharge permit for the Class III well operation.)</p> <p>Verify that a facility proposing to drill or construct a new Class III well or well field, or convert an existing well to a Class III well, files plans, specifications, and pertinent documents regarding such construction or conversion, with the Ground Water Quality Bureau of the New Mexico Environment Department.</p> <p>(NOTE: Plans, specifications, and pertinent documents pertaining to geothermal installations, carbon dioxide facilities, or facilities for the exploration, production, refinement, or pipeline transmission of oil and natural gas, must be filed instead with the Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department.)</p> <p>Verify that required plans, specifications, and pertinent documents are filed 90 days prior to the planned commencement of construction or conversion.</p> <p>Verify that the following plans, specifications and pertinent documents are provided to the Department:</p> <ul style="list-style-type: none"> - a map showing the Class III wells that are to be constructed. - a map showing, if records are available, the number, name, and location of all producing wells, injection wells, abandoned wells, dry holes, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells and other pertinent surface features, including residences and roads, that are within the expected area of review (of the Class III well or well field perimeter - maps and cross-sections indicating the general vertical and lateral limits of all ground water having 10,000 mg/l or less TDS within one mile of the site, the position of such ground water within this area relative to the injection formation, and the direction of water movement, where known, in each zone of ground water which may be affected by the proposed

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<p>WQ.112.3.NM. Class III wells must maintain mechanical integrity (20.6.2.5204 NMAC) [Added September 2003].</p>	<p>injection operation</p> <ul style="list-style-type: none"> - maps and cross-sections detailing the geology and geologic structure of the local area, including faults, if known or suspected - the proposed formation testing program to obtain an analysis or description, whichever the secretary requires, of the chemical, physical, and radiological characteristics of, and other information on, the receiving formation - the proposed stimulation program - the proposed injection procedure - schematic or other appropriate drawings of the surface and subsurface construction details of the well - proposed construction procedures, including a cementing and casing program, logging procedures, deviation checks, and a drilling, testing, and coring program - information showing the ability of the discharger to undertake measures necessary to prevent groundwater contamination - a plugging and abandonment plan. <p>Verify that, prior to construction, the facility received written notice from the Secretary that the information submitted is acceptable.</p> <p>Verify that, within 30 days after completion, the facility submits written notice to the Secretary that the construction or conversion was completed in accordance with submitted plans and specifications or submits as-built plans detailing changes from the originally submitted plans and specifications.</p> <p>Verify that, in the event a discharge permit application is not submitted or approved, all wells that may cause groundwater contamination are plugged and abandoned by the applicant pursuant to the plugging and abandonment plan submitted in the notification.</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that, prior to well injection and at least once every 5 years during the life of the well, the facility demonstrates that a Class III injection well has mechanical integrity.</p> <p>(NOTE: A Class III well has mechanical integrity if there is no detectable leak in the casing, tubing or packer which the Secretary considers to be significant at</p>

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WQ.112.4.NM. Class III injection wells must comply with general operating requirements (20.6.2.5206 (A) and (C) NMAC) [Added September 2003].</p>	<p>maximum operating temperature and pressure; and no detectable conduit for fluid movement out of the injection zone through the well bore or vertical channels adjacent to the well bore which the Secretary considers to be significant.)</p> <p>Verify that to test for evaluation of leaks, the facility monitors annulus pressure (after an initial pressure test with liquid or gas before operation commences), or pressure tests with liquid or gas.</p> <p>Verify that to test for determination of conduits for fluid movement, the facility obtains the results of a temperature or noise log.</p> <p>Verify that, where the nature of the casing used for Class III wells precludes use of temperature or noise logs to test for determination of conduits for fluid movement, cementing records and an appropriate monitoring program as the Secretary may require are used to demonstrate the presence of adequate cement to prevent such movement.</p> <p>Verify that other appropriate tests as required by the Secretary are used to demonstrate mechanical integrity of the wells.</p> <p>Verify that in conducting and evaluating the mechanical integrity tests or other tests allowed by the Secretary, the facility applies methods and standards generally accepted in the affected industry.</p> <p>Verify that the facility reports the results of mechanical integrity tests to the Secretary and includes a description of the test(s), the method(s) used, and the test results.</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that the maximum injection pressure at the wellhead does not initiate new fractures or propagates existing fractures in the confining zone, or causes the movement of injection or formation fluids into ground water having 10,000 mg/l or less TDS, except for approved fluid movement.</p> <p>Verify that injection between the outermost casing and the well bore is prohibited in a zone other than the authorized injection zone.</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WQ.112.5.NM. Class III injection wells must comply with monitoring requirements (20.6.2.5207(C) NMAC) [Added September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that the facility provides for a Class III well an analysis or description, whichever the Secretary requires, of the injected fluids at least quarterly or, if necessary, more frequently to yield representative data.</p> <p>Verify that the facility performs appropriate monitoring of injected and produced fluid volumes by whichever of the following methods the Secretary requires:</p> <ul style="list-style-type: none"> - recording injection pressure and either flow rate or volume every 2 weeks - metering and daily recording of fluid volumes. <p>Verify that, from any required monitoring well, the facility monitors every 2 weeks (or more frequently as the Secretary determines) for:</p> <ul style="list-style-type: none"> - water chemistry parameters used to detect any migration from the injection zone - fluid levels adjacent to the injection zone - other necessary monitoring required by the Secretary to detect movement of fluids from the injection zone into ground water having 10,000 mg/l or less TDS, except for approved fluid movement.
<p>WQ.112.6.NM. Class III injection wells must comply with reporting requirements (20.6.2.5208 (B) and (C) NMAC) [Added September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that the facility notifies the Secretary within 48 hours of the detection or suspected detection of a leachate excursion and provides subsequent reports as required by the Secretary.</p> <p>Verify that the facility provides to the Secretary all of the following:</p>

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WQ.112.7.NM. Class III injection wells must comply with well plugging and abandonment requirements (20.6.2.5209 NMAC) [Added September 2003].</p>	<ul style="list-style-type: none"> - reports on required monitoring quarterly, or more frequently as required by the secretary - results of required mechanical integrity testing - any other periodic tests required by the Secretary. <p>Verify that the results of mechanical integrity tests and any other required periodic test are reported no later than the first regular report after the completion of the test.</p> <p>(NOTE: Where manifold monitoring is permitted, monitoring results may be reported on a well field basis, rather than individual well basis.)</p> <p>Verify that all required reports are signed and certified.</p> <p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>(NOTE: The facility submits to the Secretary a well plugging and abandonment plan as part of a discharge permit application for a Class III injection well.)</p> <p>Verify that, prior to well closure, the facility has an approved well plugging and abandonment plan.</p> <p>(NOTE: The obligation to implement the plugging and abandonment plan as well as the requirements of the plan survives the termination or expiration of the discharge permit.)</p> <p>Verify that prior to abandonment of a well used in a Class III well operation, the facility plugs the well in a manner that will not allow the movement of fluids through the well bore out of the injection zone or between other zones of ground water.</p> <p>Verify that the facility plugs and abandons a Class III well in accordance with the requirements of an approved plan.</p> <p>Verify that the facility retains all records concerning the nature and composition of injected fluids until 5 years after completion of any plugging and abandonment procedures.</p>

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REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>UNDERGROUND INJECTION CONTROL (UIC)</p> <p>WQ.114. Class V Wells</p> <p>WQ.114.1.NM. Class V injection wells must comply with discharge permit requirements (20.6.2.5006 NMAC) [Added September 2003].</p>	<p>(NOTE: This requirement does not apply to wells regulated under the Oil and Gas Act, the Geothermal Resources Conservation Act, and the Surface Mining Act. The Oil Conservation Division of the New Mexico Energy, Minerals, and Natural Resources Department regulates Class II wells, as well as Class I, III, and V wells related to oil and gas development activities, geothermal activities, and brine solution mining.)</p> <p>(NOTE: See the definition of UIC well for types and classifications of wells.)</p> <p>Verify that a Class V injection well is operated according to an approved discharge permit.</p> <p>(NOTE: See Appendix 13-4 for exemptions from discharge permit requirements.)</p> <p>(NOTE: Class V injection wells must meet the requirements of Sections 20.6.2.3000 through 20.6.2.3999 NMAC and Sections 20.6.2.5000 through 20.6.2.5006 NMAC.)</p>

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WQ.115.</p> <p>WATER QUALITY STANDARDS</p> <p>WQ.115.1.NM. Facilities must comply with stream use designations and surface water quality standards (20.6.4.11, 20.6.4.12, 20.6.4.97, 20.6.4.98, and 20.6.4.99 NMAC) [Citation Revised July 2000; Revised September 2003; Revised March 2006].</p>	<p>Verify that all ephemeral surface wasters with designated uses of livestock watering, wildlife habitat, limited aquatic life, and secondary contact meet the use-specific criteria listed in Appendix 13-2 with the exception of the chronic criteria for aquatic life.</p> <p>Verify that all intermittent and perennial surface wasters with designated uses of livestock watering, wildlife habitat, limited aquatic life, and secondary contact meet the use-specific criteria listed in Appendix 13-2.</p> <p>Verify that all ephemeral, intermittent, and perennial surface waters with designated uses of livestock watering, wildlife habitat, limited aquatic life, and secondary contact do not exceed the monthly geometric mean of E. coli bacteria of 548 cfu/100 mL and no single sample exceeds 2507 cfu/100 mL.</p> <p>Verify that the temperature of all perennial surface wasters with designated uses of livestock watering, wildlife habitat, limited aquatic life and secondary contact do not exceed 34C (93.2 F).</p> <p>Verify that the facility complies with general surface water quality standards as specified in Appendix 13-5.</p> <p>(NOTE: These general standards apply to all surface waters of the state at all times, unless a specified standard is provided elsewhere.)</p> <p>Verify that the facility does not exceed acute water quality standards.</p> <p>Verify that the facility does not exceed chronic water quality standards more than once every 3 years.</p> <p>(NOTE: Specified criterion are listed in 20.6.4.101 through 20.6.4.899 NMAC for the following areas:</p> <ul style="list-style-type: none"> - Rio Grande Basin - Pecos River Basin - Canadian River Basin - San Juan River Basin - Gila River Basin - San Francisco River Basin - Dry Cimarron River - Closed Basins.)

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
WQ.115.2.NM. Ground water quality standards must be met for discharges onto or below the surface of the ground (20.6.2.3101 and 20.6.2.3103 NMAC) [Added September 2003; Citation Revised March 2007].	<p>Verify that discharges onto or below the surface of the ground do not degrade the ground water beyond the existing concentrations allowed in the ground water standards in Appendix 13-3.</p> <p>(NOTE: The standards in Appendix apply to ground water with 10,000 mg/l TDS concentration or less and as such, these standards apply to the dissolved portion of the contaminants specified in the standards.)</p> <p>(NOTE: The exceptions are that standards for mercury, organic compounds, and non-aqueous phase liquids apply to the total unfiltered concentrations of the contaminants.)</p> <p>(NOTE: If the existing concentration of any water contaminant in ground water is in conformance with the standard specified in Appendix 13-3, degradation of the ground water up to the limit of the standard is allowed.)</p> <p>(NOTE: For existing ground water containing higher ranges and concentrations of a contaminant than that specified, the standards in Appendix 13-3 are not intended as maximum ranges and concentrations for use, and shall not be construed as limiting the use of such waters.)</p>

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
WQ.120. WATER USE PERMITS WQ.120.1.NM. Any appropriate of surface water requires a valid permit (19.26.2.8, 19.26.2.10, and 19.26.2.11 NMAC) [Added May 2005; Citation Revised March 2006]. WQ.120.2.NM. Impoundment of surface water for watering livestock requires a permit and must meet permit conditions (19.26.2.14 NMAC) [Added April 2005].	<p>Verify that any appropriation of surface water initiated on or after March 19, 1907 has a valid permit issued by the state engineer.</p> <p>(NOTE: All water rights established by beneficial use in New Mexico prior to March 19, 1907, were recognized and confirmed by the state constitution at the time of its adoption.)</p> <p>Verify that any person, firm or corporation claiming to be the owner of a water right established prior to March 19, 1907, from any surface water source files a declaration on a form prescribed by the state engineer setting forth the history and continuity of the beneficial use to which said water has been applied.</p> <p>Verify that any change in point of diversion, place of use, or purpose of use of declared, permitted, licensed, or adjudicated surface water rights is made only upon issuance of a permit by the state engineer.</p> <p>Verify that permit conditions are met.</p> <p>Verify that the impoundment of surface water for watering livestock operates under a permit issued by the state engineer.</p> <p>(NOTE: If the proposed impoundment is created by a dam that exceeds 10 feet in height measured from the lowest point on the downstream toe to the dam crest, or exceeds 10 acre-feet in storage capacity, the applicant must comply with the applicable dam construction requirements in 19.25.12 NMAC. Watering of livestock does not include the impoundment of surface or groundwater in any amount for fishing, fish propagation, recreation, or aesthetic purposes.)</p> <p>Verify that no works are constructed or modified except in accordance with the permit conditions of approval.</p> <p>Verify that, upon completion of a livestock water impoundment, a statement of completion of construction is filed with the state engineer on a form prescribed by the state engineer.</p> <p>(NOTE: Any person, firm, or corporation claiming to be the owner of a water right established prior to March 19, 1907, from any surface water source, may file a declaration on a form prescribed by the state engineer pursuant to 19.26.2.8 NMAC. Any person, firm or corporation claiming to be the owner of</p>

COMPLIANCE CATEGORY: WATER QUALITY MANAGEMENT New Mexico Supplement	
REGULATORY REQUIREMENTS:	REVIEWER CHECKS: March 2010
<p>WQ.120.3.NM. Ponds and other surface water impoundments require a permit and must meet permit conditions (19.26.2.15 NMAC) [Added April 2005].</p>	<p>a livestock water impoundment where the impoundment was created after March 19, 1907 but before May 19, 2004, may file a declaration of existing livestock water impoundment, provided the storage capacity is less than ten acre-feet.)</p> <p>Verify that ponds and other surface water impoundments operate under a permit issued by the state engineer.</p> <p>(NOTE: A permit to appropriate water is required for an impoundment created by constructed works, sand and gravel operations, or mining operations, including excavations that fill with water. Dams exceeding 10 feet in height or that can store in excess of 10 acre-feet shall meet the requirements of 19.25.12 NMAC.)</p> <p>(NOTE: No permit to appropriate water is required for an impoundment when the primary purpose of the impoundment is flood control, provided the outlet drains the impoundment (from the spillway crest) in 96 hours. The water shall not be detained in the impoundment in excess of 96 hours unless the state engineer has issued a waiver to the owner of the impoundment.)</p>

Appendix 13-1

Stream Use Designations and Standards [Deleted March 2006]

Appendix 13-2

Standards Applicable to Attainable or Designated Uses

(Source: 20.6.4.900 NMAC) [Added August 2001; Revised March 2006]

The following criteria are applicable to attainable or designated uses unless otherwise specified in 20.6.4.101 through 20.6.4.899 NMAC.

A. Fish Culture, Water Supply and Storage: Fish culture and municipal and industrial water supply and storage are designated uses in particular classified waters of the state where these uses are actually being realized. However, no numeric criteria apply uniquely to these uses. Water quality adequate for these uses is ensured by the general criteria and numeric criteria for bacterial quality, pH and temperature that are established for all classified waters of the state listed in 20.6.4.97 through 20.6.4.899 NMAC.

B. Domestic Water Supply: Surface waters of the state designated for use as domestic water supplies shall not contain substances in concentrations that create a lifetime cancer risk of more than one cancer per 100,000 exposed persons. Those criteria listed under domestic water supply in Subsection J of this section apply to this use.

C. Irrigation and Irrigation Storage: The following numeric criteria and those criteria listed under irrigation in Subsection J of this section apply to this use:

- | | |
|---|-----------|
| (1) dissolved selenium | 0.13 mg/L |
| (2) dissolved selenium in presence of >500 mg/L SO ₄ | 0.25 mg/L |

D. Primary Contact: The monthly geometric mean of E. coli bacteria of 126 cfu/100 mL and single sample of 410 cfu/100 mL, apply to this use and pH shall be within the range of 6.6 to 9.0.

E. Secondary Contact: The monthly geometric mean of E. coli bacteria of 548 cfu/100 mL and single sample of 2507 cfu/100 mL apply to this use.

F. Livestock Watering: The criteria listed in Subsection J for livestock watering apply to this use.

G. Wildlife Habitat: Wildlife habitat shall be free from any substances at concentrations that are toxic to or will adversely affect plants and animals that use these environments for feeding, drinking, habitat or propagation; can bioaccumulate; or might impair the community of animals in a watershed or the ecological integrity of surface waters of the state. The discharge of substances that bioaccumulate, in excess of levels listed in Subsection J for wildlife habitat is allowed if, and only to the extent that, the substances are present in the intake waters that are diverted and utilized prior to discharge, and then only if the discharger utilizes best available treatment technology to reduce the amount of bioaccumulating substances that are discharged. The numeric criteria listed in Subsection J for wildlife habitat apply to this use except when a site-specific or segment-specific criterion has been adopted under 20.6.4.101 through 20.6.4.899 NMAC.

H. Aquatic Life: Surface waters of the state with a designated, existing or attainable use of aquatic life shall be free from any substances at concentrations that can impair the community of plants and animals in or the ecological integrity of surface waters of the state. Except as provided in paragraph 6 below, the acute and chronic aquatic life criteria set out in subsections I and J of this section are applicable to this use. In addition, the specific criteria for aquatic life subcategories in the following paragraphs shall apply to waters classified under the respective designations

- (1) High Quality Coldwater:** Dissolved oxygen 6.0 mg/L or more, temperature 20°C (68°F) or less, pH within the range of 6.6 to 8.8 and specific conductance a limit varying between 300 µmhos/cm and 1,500 µmhos/cm depending on the natural background in particular surface waters of the state (the intent of this criterion is to prevent excessive increases in dissolved solids which would result in changes in community structure). The

- total ammonia criteria set out in Subsections K, L and M of this section and the human health criteria for pollutants listed in Subsection J of this section are applicable to this use.
- (2) **Coldwater:** Dissolved oxygen 6.0 mg/L or more, temperature 20°C (68°F) or less and pH within the range of 6.6 to 8.8. The total ammonia criteria set out in Subsections K, L and M of this section and the human health criteria listed in Subsection J of this section are applicable to this use.
- (3) **Marginal Coldwater:** Dissolved oxygen than 6 mg/L or more, on a case by case basis maximum temperatures may exceed 25°C (77°F) and the pH may range from 6.6 to 9.0. The total ammonia criteria set out in Subsections K, L and M of this section and the human health criteria listed in Subsection J of this section are applicable to this use.
- (4) **Warmwater:** Dissolved oxygen 5 mg/L or more, temperature 32.2°C (90°F) or less, and pH within the range of 6.6 to 9.0. The total ammonia criteria set out in Subsections K, L and M of this section and the human health criteria listed in Subsection J of this section are applicable to this use.
- (5) **Marginal Warmwater:** Dissolved oxygen 5 mg/L or more, pH within the range of 6.6 to 9.0 and on a case by case basis maximum temperatures may exceed 32.2°C (90°F). The total ammonia criteria set out in Subsections K, L and M of this section and the human health criteria listed in Subsection J of this section are applicable to this use.
- (6) **Limited Aquatic Life:** Criteria shall be developed on a segment-specific basis. The acute aquatic life criteria of Subsections I and J of this section shall apply. Chronic aquatic life criteria do not apply unless adopted on a segment specific basis.

I. The following schedule of equations for the determination of numeric criteria for the substances listed and those criteria listed in Subsection J for aquatic life shall apply to the subcategories of aquatic life identified in this section.

(1) Acute criteria:

- (a) dissolved silver $0.85 e^{(1.72(\ln(\text{hardness}))-6.59)} \mu\text{g/L}$
- (b) dissolved cadmium $(e^{(1.0166(\ln(\text{hardness}))-3.924)})cf \mu\text{g/L}$, the hardness-dependent formulae for cadmium must be multiplied by a conversion factor (cf) to be expressed as dissolved values; the acute factor for cadmium is $cf = 1.136672 - ((\ln \text{hardness})(0.041838))$
- (c) dissolved chromium $0.316 e^{(0.819(\ln(\text{hardness}))+3.7256)} \mu\text{g/L}$
- (d) dissolved copper $0.960 e^{(0.9422(\ln(\text{hardness}))-1.700)} \mu\text{g/L}$
- (e) dissolved lead $(e^{(1.273(\ln(\text{hardness}))-1.46)})cf \mu\text{g/L}$, the hardness-dependent formulae for lead must be multiplied by a conversion factor (cf) to be expressed as dissolved values; the acute and chronic factor for lead is $cf = 1.46203 - ((\ln \text{hardness})(0.145712))$
- (f) dissolved nickel $0.998 e^{(0.8460(\ln(\text{hardness}))+2.255)} \mu\text{g/L}$
- (g) dissolved zinc $0.978 e^{(0.8473(\ln(\text{hardness}))+0.884)} \mu\text{g/L}$

(2) Chronic criteria:

- (a) dissolved cadmium $(e^{(0.7409(\ln(\text{hardness}))-4.719)})cf \mu\text{g/L}$, the hardness-dependent formulae for cadmium must be multiplied by a conversion factor (cf) to be expressed as dissolved values; the chronic factor for cadmium is $cf = 1.101672 - ((\ln \text{hardness})(0.041838))$
- (b) dissolved chromium $0.860 e^{(0.819(\ln(\text{hardness}))+0.6848)} \mu\text{g/L}$
- (c) dissolved copper $0.960 e^{(0.8545(\ln(\text{hardness}))-1.702)} \mu\text{g/L}$
- (d) dissolved lead $(e^{(1.273(\ln(\text{hardness}))-4.705)})cf \mu\text{g/L}$, the hardness-dependent formulae for lead must be multiplied by a conversion factor (cf) to be expressed as dissolved values; the acute and chronic factor for lead is $cf = 1.46203 - ((\ln \text{hardness})(0.145712))$
- (e) dissolved nickel $0.997 e^{(0.846(\ln(\text{hardness}))+0.0584)} \mu\text{g/L}$
- (f) dissolved zinc $0.986 e^{(0.8473(\ln(\text{hardness}))+0.884)} \mu\text{g/L}$

J. Numeric criteria. The following table sets forth the numeric criteria adopted by the commission to protect existing, designated and attainable uses. Additional criteria that are not compatible with this table are found in Subsections A through I of this section.

Pollutant total, unless indicated	CAS Number	Domestic Water Supply µg/L unless indicated	Irrigation µg/L unless indicated	Livestock Watering µg/L unless indicated	Wildlife Habitat µg/L unless indicated	Aquatic Life		Human Health µg/L	Cancer Causing (C) or Persistent (P)
						Acute µg/L	Chronic µg/L		
Aluminum, dissolved	7429-90-5		5,000			750	87		
Antimony, dissolved	7440-36-0	5.6						640	P
Arsenic, dissolved	7440-38-2	2.3	100	200		340	150	9.0	C,P
Asbestos	1332-21-4	7,000,000 fibers/L							
Barium, dissolved	7440-39-3	2,000							
Beryllium, dissolved	7440-41-7	4							
Boron, dissolved	7440-42-8		750	5,000					
Cadmium, dissolved	7440-43-9	5	10	50		see 20.6.4.900.I	see 20.6.4.900.I		
Chlorine residual	7782-50-5				11	19	11		
Chromium, dissolved	18540-29-9	100	100	1,000		see 20.6.4.900.I	see 20.6.4.900.I		
Cobalt, dissolved	7440-48-4		50	1,000					
Copper, dissolved	7440-50-8	1300	200	500		see 20.6.4.900.I	see 20.6.4.900.I		
Cyanide, dissolved	57-12-5	200							
Cyanide, weak acid dissociable	57-12-5	700			5.2	22.0	5.2	220,000	
Lead, dissolved	7439-92-1	50	5,000	100		see 20.6.4.900.I	see 20.6.4.900.I		
Mercury	7439-97-6	2		10	0.77				
Mercury, dissolved	7439-97-6					1.4	0.77		
Methylmercury	22967-92-6							0.3 mg/kg in fish tissue	P
Molybdenum, dissolved	7439-98-7		1,000						
Nickel, dissolved	7440-02-0	100				see 20.6.4.900.I	see 20.6.4.900.I	4,600	P
Nitrate as N		10 mg/L							
Nitrite + Nitrate				132 mg/L					
Selenium, dissolved	7782-49-2	50	see 20.6.4.900.C	50				4,200	P
Selenium, total recoverable	7782-49-2				5.0	20.0	5.0		
Silver, dissolved	7440-22-4					see 20.6.4.900.I			
Thallium, dissolved	7440-28-0	1.7						6.3	P
Uranium, dissolved	7440-61-1	5,000							

Pollutant total, unless indicated	CAS Number	Domestic Water Supply µg/L unless indicated	Irrigation µg/L unless indicated	Livestock Watering µg/L unless indicated	Wildlife Habitat µg/L unless indicated	Aquatic Life		Human Health µg/L	Cancer Causing (C) or Persistent (P)
						Acute µg/L	Chronic µg/L		
Vanadium, dissolved	7440-62-2		100	100					
Zinc, dissolved	7440-66-6	7,400	2,000	25,000		see 20.6.4.900.1	see 20.6.4.900.1	26,000	P
Adjusted gross alpha (see 20.6.4.900.B and .F)		15 pCi/L		15 pCi/L					
Radium 226 + Radium 228		5 pCi/L		30.0 pCi/L					
Strontium 90		8 pCi/L							
Tritium		20,000 pCi/L		20,000 pCi/L					
Acenaphthene	83-32-9	670						990	
Acrolein	107-02-8	190						290	
Acrylonitrile	107-13-1	0.51						2.5	C
Aldrin	309-00-2	0.00049				3.0		0.00050	C,P
Anthracene	120-12-7	8,300						40,000	
Benzene	71-43-2	22						510	C
Benzidine	92-87-5	0.00086						0.0020	C
Benzo(a)anthracene	56-55-3	0.038						0.18	C
Benzo(a)pyrene	50-32-8	0.038						0.18	C,P
Benzo(b)fluoranthene	205-99-2	0.038						0.18	C
Benzo(k)fluoranthene	207-08-9	0.038						0.18	C
alpha-BHC	319-84-6	0.026						0.049	C
beta-BHC	319-85-7	0.091						0.17	C
Gamma-BHC (Lindane)	58-89-9	0.19				0.95		0.63	C
Bis(2-chloroethyl) ether	111-44-4	0.30						5.3	C
Bis(2-chloroisopropyl) ether	108-60-1	1,400						65,000	
Bis(2-ethylhexyl) phthalate	117817	12						22	C
Bromoform	75-25-2	43						1,400	C
Butylbenzyl phthalate	85-68-7	1,500						1,900	
Carbon tetrachloride	56-23-5	2.3						16	C
Chlordane	57-74-9	0.0080				2.4	0.0043	0.0081	C,P
Chlorobenzene	108-90-7	680						21,000	
Chlorodibromomethane	124-48-1	4.0						130	C
Chloroform	67-66-3	57						4,700	C
2-Chloronaphthalene	91-58-7	1,000						1,600	
2-Chlorophenol	95-57-8	81						150	
Chrysene	218-01-9	0.038						0.18	C
4,4'-DDT and derivatives		0.0022			0.001	1.1	0.001	0.0022	C,P
Dibenzo(a,h)anthracene	53-70-3	0.038						0.18	C
Dibutyl phthalate	84-74-2	2,000						4,500	

Pollutant total, unless indicated	CAS Number	Domestic Water Supply µg/L unless indicated	Irrigation µg/L unless indicated	Livestock Watering µg/L unless indicated	Wildlife Habitat µg/L unless indicated	Aquatic Life		Human Health µg/L	Cancer Causing (C) or Persistent (P)
						Acute µg/L	Chronic µg/L		
1,2-Dichlorobenzene	95-50-1	2,700						17,000	
1,3-Dichlorobenzene	541-73-1	320						960	
1,4-Dichlorobenzene	106-46-7	400						2,600	
3,3'-Dichlorobenzidine	91-94-1	0.21						0.28	C
Dichlorobromomethane	75-27-4	5.5						170	C
1,2-Dichloroethane	107-06-2	3.8						370	C
1,1-Dichloroethylene	75-35-4	0.57						32	C
2,4-Dichlorophenol	120-83-2	77						290	
1,2-Dichloropropane	78-87-5	5.0						150	C
1,3-Dichloropropene	542-75-6	10						1,700	
Dieldrin	60-57-1	0.00052				0.24	0.056	0.00054	C,P
Diethyl phthalate	84-66-2	17,000						44,000	
Dimethyl phthalate	131-11-3	270,000						1,100,000	
2,4-Dimethylphenol	105-67-9	380						850	
2,4-Dinitrophenol	51-28-5	69						5,300	
2,4-Dinitrotoluene	121-14-2	1.1						34	C
2,3,7,8-TCDD Dioxin	1746-01-6	5.0E-08						5.1E-08	C,P
1,2-Diphenylhydrazine	122-66-7	0.36						2.0	C
alpha-Endosulfan	959-98-8	62				0.22	0.056	89	
beta-Endosulfan	33213-65-9	62				0.22	0.056	89	
Endosulfan sulfate	1031-07-8	62						89	
Endrin	72-20-8	0.76				0.086	0.036	0.81	
Endrin aldehyde	7421-93-4	0.29						0.30	
Ethylbenzene	100-41-4	3,100						29,000	
Fluoranthene	206-44-0	130						140	
Fluorene	86-73-7	1,100						5,300	
Heptachlor	76-44-8	0.00079				0.52	0.0038	0.00079	C
Heptachlor epoxide	1024-57-3	0.00039				0.52	0.0038	0.00039	C
Hexachlorobenzene	118-74-1	0.0028						0.0029	C,P
Hexachlorobutadiene	87-68-3	4.4						180	C
Hexachlorocyclopentadiene	77-47-4	240						17,000	
Hexachloroethane	67-72-1	14						33	C
Ideno(1,2,3-cd)pyrene	193-39-5	0.038						0.18	C
Isophorone	78-59-1	350						9,600	C
Methyl bromide	74-83-9	47						1,500	
2-Methyl-4,6-dinitrophenol	534-52-1	13						280	
Methylene chloride	75-09-2	46						5,900	C
Nitrobenzene	98-95-3	17						690	
N-Nitrosodimethylamine	62-75-9	0.0069						30	C

Pollutant total, unless indicated	CAS Number	Domestic Water Supply µg/L unless indicated	Irrigation µg/L unless indicated	Livestock Watering µg/L unless indicated	Wildlife Habitat µg/L unless indicated	Aquatic Life		Human Health µg/L	Cancer Causing (C) or Persistent (P)
						Acute µg/L	Chronic µg/L		
N-Nitrosodi-n-propylamine	621-64-7	0.050						5.1	C
N-Nitrosodiphenylamine	86-30-6	33						60	C
PCBs	1336-36-3	0.00064			0.014		0.014	0.00064	C,P
Pentachlorophenol	87-86-5	2.7				19	15	30	C
Phenol	108-95-2	21,000						1,700,000	
Pyrene	129-00-0	830						4,000	
1,1,2,2-Tetrachloroethane	79-34-5	1.7						40	C
Tetrachloroethylene	127-18-4	6.9						33	C,P
Toluene	108-88-3	6,800						200,000	
Toxaphene	8001-35-2	0.0028				0.73	0.0002	0.0028	C
1,2-Trans-dichloroethylene	156-60-5	700						140,000	
1,2,4-Trichlorobenzene	120-82-1	260						940	
1,1,2-Trichloroethane	79-00-5	5.9						160	C
Trichloroethylene	79-01-6	25						300	C
2,4,6-Trichlorophenol	88-06-2	14						24	C
Vinyl chloride	75-01-4	20						5,300	C

K. Acute Criteria, Total Ammonia (mg/L as N)

pH	Salmonids Present	Salmonids Absent
6.5	32.6	48.8
6.6	31.3	46.8
6.7	29.8	44.6
6.8	28.1	42.0
6.9	26.2	39.1
7.0	24.1	36.1
7.1	22.0	32.8
7.2	19.7	29.5
7.3	17.5	26.2
7.4	15.4	23.0
7.5	13.3	19.9
7.6	11.4	17.0
7.7	9.65	14.4
7.8	8.11	12.1
7.9	6.77	10.1
8.0	5.62	8.40
8.1	4.64	6.95
8.2	3.83	5.72
8.3	3.15	4.71
8.4	2.59	3.88
8.5	2.14	3.20
8.6	1.77	2.65
8.7	1.47	2.20

pH	Salmonids Present	Salmonids Absent
8.8	1.23	1.84
8.9	1.04	1.56
9.0	0.885	1.32

L. Chronic Criteria, Total Ammonia (mg/L as N), Fish Early Life Stages Present

pH	Temperature (°C)										
	0	14	15	16	18	20	22	24	26	28	30
6.5	6.67	6.67	6.46	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	6.36	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	6.25	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	6.10	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.93	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.73	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.49	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	5.22	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.92	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.59	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	4.23	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.85	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.47	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	3.09	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.71	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.36	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.10	2.03	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.79	1.74	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.52	1.48	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.29	1.25	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.09	1.06	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.920	0.892	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.7	0.778	0.778	0.754	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.661	0.641	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.565	0.548	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.486	0.486	0.471	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

M. Chronic Criteria, Total Ammonia (mg/L as N), Fish Early Life Stages Absent

pH	Temperature (°C)									
	0	7	8	9	10	11	12	13	14	15
6.5	10.8	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46
6.6	10.7	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36
6.7	10.5	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25
6.8	10.2	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10
6.9	9.93	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93
7.0	9.60	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73
7.1	9.20	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49
7.2	8.75	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22
7.3	8.24	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92
7.4	7.69	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59
7.5	7.09	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23
7.6	6.46	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85
7.7	5.81	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47
7.8	5.17	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09
7.9	4.54	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71
8.0	3.95	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36
8.1	3.41	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03
8.2	2.91	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85	1.74
8.3	2.47	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48
8.4	2.09	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25
8.5	1.77	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06
8.6	1.49	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.892
8.7	1.26	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.754
8.8	1.07	1.07	1.01	0.944	0.855	0.829	0.778	0.729	0.684	0.641
8.9	0.917	0.917	0.860	0.806	0.756	0.709	0.664	0.623	0.584	0.548
9.0	0.790	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.471
At 15° C and above, the criterion for fish early life stages absent is the same as the criterion for fish early life stages present (refer to Subsection L of 20.6.4.900 NMAC).										

N. Dissolved oxygen saturation based on temperature and elevation.

(1) Elevation 5,000 feet or less:

		Elevation (feet)										
		0	500	1,000	1,500	2,000	2,500	3,000	3,500	4,000	4,500	5,000
Temp. (°C)	0	14.6	14.3	14.1	13.8	13.6	13.3	13.1	12.8	12.6	12.3	12.1
	1	14.2	13.9	13.7	13.4	13.2	12.9	12.7	12.5	12.2	12.0	11.8
	2	13.8	13.6	13.3	13.1	12.8	12.6	12.4	12.1	11.9	11.7	11.5
	3	13.4	13.2	13.0	12.7	12.5	12.3	12.0	11.8	11.6	11.4	11.1
	4	13.1	12.8	12.6	12.4	12.2	11.9	11.7	11.5	11.3	11.1	10.9
	5	12.7	12.5	12.3	12.1	11.8	11.6	11.4	11.2	11.0	10.8	10.6
	6	12.4	12.2	12.0	11.8	11.5	11.3	11.1	10.9	10.7	10.5	10.3
	7	12.1	11.9	11.7	11.5	11.3	11.1	10.8	10.6	10.4	10.2	10.1
	8	11.8	11.6	11.4	11.2	11.0	10.8	10.6	10.4	10.2	10.0	9.8
	9	11.5	11.3	11.1	10.9	10.7	10.5	10.3	10.1	9.9	9.8	9.6
	10	11.3	11.1	10.9	10.7	10.5	10.3	10.1	9.9	9.7	9.5	9.4
	11	11.0	10.8	10.6	10.4	10.2	10.0	9.9	9.7	9.5	9.3	9.1
	12	10.8	10.6	10.4	10.2	10.0	9.8	9.6	9.5	9.3	9.1	8.9
	13	10.5	10.3	10.1	9.9	9.8	9.6	9.4	9.2	9.1	8.9	8.7
	14	10.3	10.1	9.9	9.7	9.6	9.4	9.2	9.0	8.9	8.7	8.5
	15	10.1	9.9	9.7	9.5	9.3	9.2	9.0	8.8	8.7	8.5	8.4
	16	9.8	9.7	9.5	9.3	9.2	9.0	8.8	8.7	8.5	8.3	8.2
	17	9.6	9.5	9.3	9.1	9.0	8.8	8.6	8.5	8.3	8.2	8.0
	18	9.4	9.3	9.1	8.9	8.8	8.6	8.5	8.3	8.1	8.0	7.8
	19	9.3	9.1	8.9	8.8	8.6	8.4	8.3	8.1	8.0	7.8	7.7
	20	9.1	8.9	8.7	8.6	8.4	8.3	8.1	8.0	7.8	7.7	7.5
	21	8.9	8.7	8.6	8.4	8.3	8.1	8.0	7.8	7.7	7.5	7.4
	22	8.7	8.6	8.4	8.2	8.1	8.0	7.8	7.7	7.5	7.4	7.2
	23	8.6	8.4	8.2	8.1	7.9	7.8	7.7	7.5	7.4	7.2	7.1
	24	8.4	8.2	8.1	7.9	7.8	7.7	7.5	7.4	7.2	7.1	7.0
	25	8.2	8.1	7.9	7.8	7.7	7.5	7.4	7.2	7.1	7.0	6.8
	26	8.1	7.9	7.8	7.7	7.5	7.4	7.2	7.1	7.0	6.8	6.7
	27	7.9	7.8	7.7	7.5	7.4	7.2	7.1	7.0	6.8	6.7	6.6
	28	7.8	7.7	7.5	7.4	7.2	7.1	7.0	6.9	6.7	6.6	6.5
	29	7.7	7.5	7.4	7.3	7.1	7.0	6.9	6.7	6.6	6.5	6.4
	30	7.5	7.4	7.3	7.1	7.0	6.9	6.7	6.6	6.5	6.4	6.3

(2) Elevation greater than 5,000 feet:

		Elevation (feet)									
		5,500	6,000	6,500	7,000	7,500	8,000	8,500	9,000	9,500	10,000
Temp. (°C)	0	11.9	11.6	11.4	11.2	11.0	10.8	10.6	10.3	10.1	9.9
	1	11.5	11.3	11.1	10.9	10.7	10.5	10.3	10.1	9.9	9.7
	2	11.2	11.0	10.8	10.6	10.4	10.2	10.0	9.8	9.6	9.4
	3	10.9	10.7	10.5	10.3	10.1	9.9	9.7	9.5	9.3	9.1
	4	10.7	10.4	10.2	10.0	9.8	9.7	9.5	9.3	9.1	8.9
	5	10.4	10.2	10.0	9.8	9.6	9.4	9.2	9.0	8.9	8.7
	6	10.1	9.9	9.7	9.5	9.4	9.2	9.0	8.8	8.6	8.5
	7	9.9	9.7	9.5	9.3	9.1	8.9	8.8	8.6	8.4	8.2
	8	9.6	9.4	9.3	9.1	8.9	8.7	8.6	8.4	8.2	8.0
	9	9.4	9.2	9.0	8.9	8.7	8.5	8.3	8.2	8.0	7.8
	10	9.2	9.0	8.8	8.7	8.5	8.3	8.1	8.0	7.8	7.7
	11	9.0	8.8	8.6	8.5	8.3	8.1	8.0	7.8	7.6	7.5
	12	8.8	8.6	8.4	8.3	8.1	7.9	7.8	7.6	7.5	7.3
	13	8.6	8.4	8.2	8.1	7.9	7.8	7.6	7.5	7.3	7.2
	14	8.4	8.2	8.1	7.9	7.7	7.6	7.4	7.3	7.1	7.0
	15	8.2	8.0	7.9	7.7	7.6	7.4	7.3	7.1	7.0	6.8
	16	8.0	7.9	7.7	7.6	7.4	7.3	7.1	7.0	6.8	6.7
	17	7.9	7.7	7.6	7.4	7.3	7.1	7.0	6.8	6.7	6.6
	18	7.7	7.5	7.4	7.3	7.1	7.0	6.8	6.7	6.6	6.4
	19	7.5	7.4	7.2	7.1	7.0	6.8	6.7	6.6	6.4	6.3
	20	7.4	7.2	7.1	7.0	6.8	6.7	6.6	6.4	6.3	6.2
	21	7.2	7.1	7.0	6.8	6.7	6.6	6.4	6.3	6.2	6.0
	22	7.1	7.0	6.8	6.7	6.6	6.4	6.3	6.2	6.1	5.9
	23	7.0	6.8	6.7	6.6	6.4	6.3	6.2	6.1	5.9	5.8
	24	6.8	6.7	6.6	6.4	6.3	6.2	6.1	5.9	5.8	5.7
	25	6.7	6.6	6.5	6.3	6.2	6.1	6.0	5.8	5.7	5.6
	26	6.6	6.5	6.3	6.2	6.1	6.0	5.8	5.7	5.6	5.5
	27	6.5	6.3	6.2	6.1	6.0	5.9	5.7	5.6	5.5	5.4
	28	6.4	6.2	6.1	6.0	5.9	5.8	5.6	5.5	5.4	5.3
	29	6.2	6.1	6.0	5.9	5.8	5.7	5.5	5.4	5.3	5.2
	30	6.1	6.0	5.9	5.8	5.7	5.6	5.4	5.3	5.2	5.1

Appendix 13-3

Standards for Ground Water of 10,000 mg/l Total Dissolved Solids (TDS) Concentration or Less

(Source: 20.6.2.3103 NMAC) [Added September 2003; Revised May 2005]

The following standards are the allowable pH range and the maximum allowable concentration in ground water for the contaminants specified unless the existing condition exceeds the standard or unless otherwise provided in 20.6.2.3109(D) NMAC. Regardless of whether there is one contaminant or more than one contaminant present in ground water, when an existing pH or concentration of any water contaminant exceeds the standard specified in subsections A, B, or C below, the existing pH or concentration is the allowable limit, provided that the discharge at such concentrations does not result in concentrations at any place of withdrawal for present or reasonably foreseeable future use in excess of these standards.

These standards apply to the dissolved portion of the contaminants specified. The definition of dissolved is that given in the publication "Methods for Chemical Analysis of Water and Waste of the U.S. Environmental Protection Agency". The exception is that standards for mercury, organic compounds, and non-aqueous phase liquids apply to the total unfiltered concentrations of the contaminants.

A. Human Health Standards

Ground water must meet the standards of Subsections A and B unless otherwise provided. If more than one water contaminant affecting human health is present, the toxic pollutant criteria (see definitions) for the combination of contaminants or the Human Health Standards for each contaminant apply, whichever is more stringent. Non-aqueous phase liquid must not be present floating atop of or immersed within ground water, as can be reasonably measured.

(1) Arsenic (As)	0.1 mg/l
(2) Barium (Ba)	1.0 mg/l
(3) Cadmium (Cd)	0.01 mg/l
(4) Chromium (Cr)	0.05 mg/l
(5) Cyanide (CN)	0.2 mg/l
(6) Fluoride (F)	1.6 mg/l
(7) Lead (Pb)	0.05 mg/l
(8) Total Mercury (Hg)	0.002 mg/l
(9) Nitrate (NO ₃ as N)	10.0 mg/l
(10) Selenium (Se)	0.05 mg/l
(11) Silver (Ag)	0.05 mg/l
(12) Uranium (U)	0.03 mg/l
(13) Radioactivity:	
Combined Radium-226 & Radium-228	30 pCi/l
(14) Benzene	0.01 mg/l
(15) Polychlorinated biphenyls (PCB's)	0.001 mg/l
(16) Toluene	0.75 mg/l
(17) Carbon Tetrachloride	0.01 mg/l
(18) 1,2-dichloroethane (EDC)	0.01 mg/l
(19) 1,1-dichloroethylene (1,1-DCE)	0.005 mg/l
(20) 1,1,2,2-tetrachloroethylene (PCE)	0.02 mg/l
(21) 1,1,2-trichloroethylene (TCE)	0.1 mg/l
(22) ethylbenzene	0.75 mg/l
(23) total xylenes	0.62 mg/l
(24) methylene chloride	0.1 mg/l
(25) chloroform	0.1 mg/l

(26) 1,1-dichloroethane	0.025 mg/l
(27) ethylene dibromide (EDB)	0.0001 mg/l
(28) 1,1,1-trichloroethane	0.06 mg/l
(29) 1,1,2-trichloroethane	0.01 mg/l
(30) 1,1,2,2-tetrachloroethane	0.01 mg/l
(31) vinyl chloride	0.001 mg/l
(32) PAHs: total naphthalene plus monomethylnaphthalenes	0.03 mg/l
(33) benzo-a-pyrene	0.0007 mg/l

B. Other Standards for Domestic Water Supply

(1) Chloride (Cl)	250.0 mg/l
(2) Copper (Cu)	1.0 mg/l
(3) Iron (Fe)	1.0 mg/l
(4) Manganese (Mn)	0.2 mg/l
(6) Phenols	0.005 mg/l
(7) Sulfate (SO ₄)	600.0 mg/l
(8) Total Dissolved Solids (TDS)	1000.0 mg/l
(9) Zinc (Zn)	10.0 mg/l
(10) pH	between 6 and 9

C. Standards for Irrigation Use

Ground water must meet the standards of Subsections A, B, and C unless otherwise provided.

(1) Aluminum (Al)	5.0 mg/l
(2) Boron (B)	0.75 mg/l
(3) Cobalt (Co)	0.05 mg/l
(4) Molybdenum (Mo)	1.0 mg/l
(5) Nickel (Ni)	0.2 mg/l

Appendix 13-4

Exemptions from Discharge Permit Requirement (Source: 20.6.2.3105 NMAC) [Added September 2003]

The following discharges to ground water are exempt from the discharge permit requirements of 20.6.2.3104 and 20.6.2.3106 NMAC:

Effluent or leachate that conforms to all the listed numerical standards in 20.6.2.3103 NMAC (standards for ground water of 10,000 mg/l total dissolved solids concentration or less) and has a total nitrogen concentration of 10 mg/l or less, and does not contain any toxic pollutant (see definitions). To determine conformance, samples may be taken by the agency before the effluent or leachate is discharged so that it may move directly or indirectly into ground water; provided that if the discharge is by seepage through non-natural or altered natural materials, the agency may take samples of the solution before or after seepage. If for any reason the agency does not have access to obtain the appropriate samples, this exemption shall not apply.

Effluent which is discharged from a sewerage system used only for disposal of household and other domestic waste which is designed to receive and which receives 2,000 gallons or less of liquid waste per day.

Water used for irrigated agriculture, for watering of lawns, trees, gardens or shrubs, or for irrigation for a period not to exceed five years for the revegetation of any disturbed land area, unless that water is received directly from any sewerage system.

Discharges resulting from the transport or storage of water diverted, provided that the water diverted has not had added to it after the point of diversion any effluent received from a sewerage system, that the source of the water diverted was not mine workings, and that the secretary has not determined that a hazard to public health may result.

Effluent that is discharged to a watercourse that is naturally perennial; discharges to dry arroyos and ephemeral streams are not exempt from the discharge permit requirement, except as otherwise provided.

Those constituents which are subject to effective and enforceable effluent limitations in a National Pollutant Discharge Elimination System (NPDES) permit, where discharge onto or below the surface of the ground so that water contaminants may move directly or indirectly into ground water occurs downstream from the outfall where NPDES effluent limitations are imposed, unless the Secretary determines that a hazard to public health may result. For purposes of this subsection, monitoring requirements alone do not constitute effluent limitations.

Discharges resulting from flood control systems.

Leachate that results from the direct natural infiltration of precipitation through disturbed materials, unless the Secretary determines that a hazard to public health may result.

Leachate that results entirely from the direct natural infiltration of precipitation through undisturbed materials.

Leachate from materials disposed of in accordance with the Solid Waste Management Regulations (20.9.1 NMAC).

Natural ground water seeping or flowing into conventional mine workings which reenters the ground by natural gravity flow prior to pumping or transporting out of the mine and without being used in any mining process; this exemption does not apply to solution mining.

Effluent or leachate discharges resulting from activities regulated by a mining plan approved and permit issued by the New Mexico Coal Surface Mining Commission, provided that this exemption is not construed as limiting the application of appropriate ground water protection requirements by the New Mexico Coal Surface Mining Commission.

Effluent or leachate discharges that are regulated by the Oil Conservation Commission and the regulation of which by the Water Quality Control Commission would interfere with the exclusive authority granted under Section 70-2-12 NMSA 1978, or under other laws, to the Oil Conservation Commission.

Appendix 13-5

General Standards for Surface Waters

(Source: 20.6.4.13 NMAC) [Added September 2003; Revised March 2006]

General criteria are established to sustain and protect existing or attainable uses of surface waters of the state. These general criteria apply to all surface waters of the state at all times, unless a specified criterion is provided elsewhere in this part. Surface waters of the state shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with the public welfare or the use of property.

A. Bottom Deposits and Suspended or Settleable Solids:

- (1) Surface waters of the state shall be free of water contaminants including fine sediment particles (less than two millimeters in diameter), precipitates or organic or inorganic solids from other than natural causes that have settled to form layers on or fill the interstices of the natural or dominant substrate in quantities that damage or impair the normal growth, function or reproduction of aquatic life or significantly alter the physical or chemical properties of the bottom.
- (2) Suspended or settleable solids from other than natural causes shall not be present in surface waters of the state in quantities that damage or impair the normal growth, function or reproduction of aquatic life or adversely affect other designated uses.

B. Floating Solids, Oil and Grease: Surface waters of the state shall be free of oils, scum, grease and other floating materials resulting from other than natural causes that would cause the formation of a visible sheen or visible deposits on the bottom or shoreline, or would damage or impair the normal growth, function or reproduction of human, animal, plant or aquatic life.

C. Color: Color-producing materials resulting from other than natural causes shall not create an aesthetically undesirable condition nor shall color impair the use of the water by desirable aquatic life presently common in surface waters of the state.

D. Organoleptic Quality:

- (1) Flavor of Fish: Water contaminants from other than natural causes shall be limited to concentrations that will not impart unpalatable flavor to fish.
- (2) Odor and Taste of Water: Water contaminants from other than natural causes shall be limited to concentrations that will not result in offensive odor or taste arising in a surface water of the state or otherwise interfere with the reasonable use of the water.

E. Plant Nutrients: Plant nutrients from other than natural causes shall not be present in concentrations that will produce undesirable aquatic life or result in a dominance of nuisance species in surface waters of the state.

F. Toxic Pollutants:

- (1) Except as provided in 20.6.4.16 NMAC, surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms.
- (2) Pursuant to this section, the human health criteria shall be as set out in 20.6.4.900 NMAC. For a toxic pollutant for human health not listed in 20.6.4.900 NMAC, the following provisions shall be applied in accordance with 20.6.4.11, 20.6.4.12 and 20.6.4.14 NMAC.
 - (a) The human health criterion shall be the recommended human health criterion for "consumption of organisms only" published by the U.S. environmental protection agency pursuant to Section 304(a) of the

federal Clean Water Act. In determining such criterion for a cancer-causing toxic pollutant, a cancer risk of 10-5 (one cancer per 100,000 exposed persons) shall be used.

(b) When a numeric criterion for the protection of human health has not been published by the U.S. environmental protection agency, a quantifiable criterion may be derived from data available in the U.S. environmental protection agency's Integrated Risk Information System (IRIS) using the appropriate formula specified in methodology for deriving ambient water quality criteria for the protection of human health (2000), EPA-822-B-00-004.

(3) Pursuant to this section, the chronic aquatic life standard shall be as set out in 20.6.4.900 NMAC. For a toxic pollutant for aquatic life with no chronic standard listed in 20.6.4.900 NMAC, the following provisions shall be applied in sequential order in accordance with 20.6.4.11, 20.6.4.12 and 20.6.4.14 NMAC.

(a) The chronic aquatic life criterion shall be the "freshwater criterion continuous concentration" published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act;

(b) If the U.S. environmental protection agency has not published a chronic aquatic life criterion, a geometric mean LC-50 value shall be calculated for the particular species, genus or group that is representative of the form of life to be preserved, using the results of toxicological studies published in scientific journals.

(i) The chronic aquatic life criterion for a toxic pollutant that does not bioaccumulate shall be 10 percent of the calculated geometric mean LC-50 value; and

(ii) The chronic aquatic life criterion for a toxic pollutant that does bioaccumulate shall be: the calculated geometric mean LC-50 adjusted by a bioaccumulation factor for the particular species, genus or group representative of the form of life to be preserved, but when such bioaccumulation factor has not been published, the criterion shall be one percent of the calculated geometric mean LC-50 value.

(4) Pursuant to this section, the acute aquatic life criteria shall be as set out in 20.6.4.900 NMAC. For a toxic pollutant for aquatic life with no acute criterion listed in 20.6.4.900 NMAC, the acute aquatic life criterion shall be the "freshwater criterion maximum concentration" published by the U.S. environmental protection agency pursuant to Section 304(a) of the federal Clean Water Act.

(5) Within 90 days of the issuance of a final NPDES permit containing a numeric criterion selected or calculated pursuant to Paragraph 2, Paragraph 3 or Paragraph 4 of Subsection F of this section, the department shall petition the commission to adopt such criterion into these standards.

G. Radioactivity: The radioactivity of surface waters of the state shall be maintained at the lowest practical level and shall in no case exceed the criteria set forth in the New Mexico Radiation Protection Regulations, 20.3.1 and 20.3.4 NMAC.

H. Pathogens: Surface waters of the state shall be free of pathogens from other than natural sources in sufficient quantity to impair public health or the designated, existing or attainable uses of a surface water of the state.

I. Temperature: Maximum temperatures for each classified water of the state have been specified in 20.6.4.101 through 20.6.4.899 NMAC. However, the introduction of heat by other than natural causes shall not increase the temperature, as measured from above the point of introduction, by more than 2.7°C (5°F) in a stream, or more than 1.7°C (3°F) in a lake or reservoir. In no case will the introduction of heat be permitted when the maximum temperature specified for the reach would thereby be exceeded. These temperature criteria shall not apply to impoundments constructed offstream for the purpose of heat disposal. High water temperatures caused by unusually high ambient air temperatures are not violations of these standards.

J. Turbidity: Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the normal growth, function or reproduction of aquatic life is impaired or that will cause substantial visible contrast with the natural appearance of the water. Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or increase more than 20 percent when the background turbidity is more than 50 NTU. Background turbidity shall be measured at a point immediately upstream of the turbidity-causing activity. However, limited-duration activities necessary to accommodate dredging, construction or other similar activities and that cause the criterion to be exceeded may be authorized provided all practicable turbidity control techniques have been applied and all appropriate permits and approvals have been obtained.

K. Total Dissolved Solids (TDS): TDS attributable to other than natural causes shall not damage or impair the normal growth, function or reproduction of animal, plant or aquatic life. TDS shall be measured by either the "calculation method" (sum of constituents) or the filterable residue method. Approved test procedures for these determinations are set forth in 20.6.4.14 NMAC.

L. Dissolved Gases: Surface waters of the state shall be free of nitrogen and other dissolved gases at levels above 110 percent saturation when this supersaturation is attributable to municipal, industrial or other discharges.

Appendix 13-6

Levels of Certification For Operators Of Public Water Supply Systems

(Source: 20.7.4.10 (A) through (D) NMAC and 20.7.4.12 NMAC) [Added March 2007]

The levels of general certification for operators of public water supply systems from lowest to highest are:

1. level 1 water supply (WS1)
2. level 2 water supply (WS2)
3. level 3 water supply (WS3)
4. level 4 water supply (WS4).

The levels of special certification for operators of public water supply systems from lowest to highest are:

1. small water (SW)
2. small water advanced (SWA).

The levels of certification for water sample technicians at public water supply systems from lowest to highest are:

1. water sample technician 1 (WST1)
2. water sample technician 2 (WST2).

The levels of certification for operators of distribution systems at public water supply systems from lowest to highest are:

1. distribution systems 1 (DS1)
2. distribution systems 2 (DS2)
3. distribution systems 3 (DS3).

In order to operate the various types of treatment processes at public water supply systems, the indicated level of certification shall be required:

Type of Treatment Process	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Filtration (sand, gravity)	SWA	WS3	WS3	WS3	WS4
Coagulation, sedimentation, filtration	SWA	WS3	WS3	WS4	WS4
Chemical precipitation (Mn, Fe, softening)	SWA	WS3	WS3	WS4	WS4
Aeration	SW	WS2	WS3	WS3	WS4
Odor and taste control (activated carbon)	SW	WS2	WS3	WS3	WS4
Chemical addition (stabilization)	SW	WS2	WS2	WS3	WS4
Pressure filtration	SWA	WS2	WS2	WS3	WS4
Ion exchange (softening, defluoridation)	SWA	WS2	WS3	WS3	WS4
Chlorination	SW	WS2	WS2	WS3	WS4
Fluoridation	SW	WS2	WS2	WS3	WS4
Arsenic removal	SWA	WS3	WS3	WS3	WS4
Radionuclide removal	SWA	WS3	WS3	WS3	WS4
Special, such as desalinization	SWA	WS4	WS4	WS4	WS4
Production, ground water only	SW	WS1	WS2	WS3	WS4

In order to operate various types of distribution systems at public water supply systems, the indicated level of certification shall be required:

Type of Distribution Systems	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Distribution of treated surface water	SW	DS2	DS2	DS2	DS3
Distribution of chlorinated groundwater	SW	DS2	DS2	DS2	DS3
Distribution of chlorinated groundwater	SW	DS2	DS2	DS2	DS3

In order to perform the various types of water sampling at public water supply systems after January 1, 2008, the indicated level of certification shall be required:

Type of Water Sampling	Population Served				
	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Microbiology	SW or WST1	WST1	WST1	WST1	WST1
Chemical and Radiological Distribution of chlorinated groundwater	WST2	WST2	WST2	WST2	WST2
Distribution of chlorinated groundwater	SW	DS2	DS2	DS2	DS3

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